Documentary History

OF

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IN

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DOCUMENTARY HISTORY

OF

EDUCATION IN UPPER CANADA

FROM THE PASSING OF THE

CONSTITUTIONAL ACT OF 1791,

TO THE

CLOSE OF THE REVEREND DOCTOR RYERSON'S ADMINISTRATION OF THE EDUCATION DEPARTMENT IN 1876.

VOL. VIII., 1848, 1849.

EDITED UNDER THE DIRECTION OF THE HONOURABLE THE MINISTER OF EDUCATION, WITH EXPLANATORY NOTES,

BY

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PREFATORY NOTE TO THE EIGHTH VOLUME.

This Volume is largely occupied with two important subjects relating to the University of King's College. The first deals in part with the somewhat exhaustive Report of the Commissioners appointed in 1848 to inquire into the financial affairs of King's College; and the second refers to the passing of the Comprehensive Bill of 1849, affecting the Constitution of that College.

I. After so many unsuccessful attempts to settle the much discussed and perplexing question of a Provincial University, the Honourable Attorney General Baldwin was, at length, able to carry the University Measure, which he had prepared, by large majorities in the House of Assembly. In the Legislative Council, the Government was equally successful in carrying the Bill.

The principal reason assigned for the fundamental changes, which Mr. Baldwin's Bill proposed in the Constitution of King's College, was briefly given in the following extract from the Preamble to the Bill :—

"WHEREAS the people of this Province consist of various Denominations of Christians, to the Members of each of which Denominations, it is desirable to extend all the benefits of a University Education, and it is, therefore, necessary, that such an Institution, to enable it to accomplish its high purpose, should be entirely free in its government and discipline from all Denominational bias so that the just rights and privileges of all may be fully maintained, without offence to the Religious Opinions of any."

What evidently largely aided in the easy passage of Mr. Baldwin's Bill through the Legislature was the fact, that the revelations made in an informal interim Report by the Commission of Inquiry into the Affairs of King's College of the exceedingly careless, (not criminal) way in which the finances of King's College had been managed. In a portion of their Report—referring to the period of the first Bursar's incumbency,—from 1829 to 1839,—the Comissioners say :—

Above £80,000 of cash had, during this period, been received, and £55,000 disbursed ; yet the College Council seem to have been totally ignorant of the mode in which the cash transactions were recorded, and about 97,000 acres of the University Endowment had been sold, apparently under the sole discretion of the Bursar. . . . The result of the investigation into the accounts of the University, closed in July, 1839, showed that the Bursar held in his own hands a Cash balance of more than £13,000. This money, instead of having been duly lodged in the Bank, at the credit of the University, for safe-keeping, or invested by the Council in productive securities, had been used by the Bursar himself, in various private speculations, chiefly consisting in loans to various borrowers, some of whom, the Commissioners believe, had been unsuccessful applicants for the like favour from the College Council itself."

Some of the incidents connected with the passing of the Baldwin University Bill of 1849 excited a good deal of comment at the time. It was remarked, that the parties, which had so strongly supported the Draper and Macdonald University Bills of 1845-1847, were as strongly opposed to the Baldwin Bill of 1849; whereas, the Council of King's College, which had invariably opposed each one of the University Bills of 1845, 1846 and 1847, was warmly in favour of the Baldwin Bill of 1849.

Events proved that this comprehensive Bill of 1849 was, in effect, a merely tentative measure; for, after it had become law, Bill after Bill, to alter it, was introduced into the Legislature, and some of them were very favourably received,—though not passed,—yet so many and diverse interpretations had been given to some of the provisions of the Baldwin Bill, after it had become law, that a "Declaratory" Act had to be submitted to the Legislature, during the following year, and passed, so as "to remove certain doubts respecting the intentions of the Act" of 1849.

II. I have given a full account of the untoward events connected with the hurried passage of a School Bill, (hostile to Doctor Ryerson), prepared under the auspices of the Honourable Malcolm Cameron, which his Colleagues in the Government assumed to be the Draft of School Bill submitted by the Chief Superintendent to the Executive in 1848.

It was not surprising, therefore, that Doctor Ryerson, on learning that the Cameron Bill had passed, addressed a Letter to the Honourable Mr. Baldwin, in which he said:—

"As it relates to myself, the new Bill, on its coming into operation, leaves me but one course to pursue. The character and tendency of that Bill,—whatever may have been the motive in its preparation,—clearly is to compel me to relinquish office, or virtually abandon principles and provisions which I have advocated as of great and vital importance, and become a party to my own personal humiliation and degradation; thus justly exposing myself to the suspicion and imputation of mean and mercenary conduct. . . .

"One provision of the Bill places the duties of my Office under the direction of the Provincial Board of Education. . . . It thus subjects every decision, every letter, every act, every part of the proceedings of the Superintendent to the embarrassment, delay, and perplexity of a discussion in a Board. I know the operation of this system in the comparatively limited Correspondence and local matters relating to the Normal School,—where, I think, it is unavoidable and necessary. In such a Board of weekly meeting and discussion, one unfriendly person can render the official life of a Provincial Superintendent disgusting and miserable; and no situation can afford better opportunities for intrigue against him. If he gives any advice, or performs any mission, or duty in any part of the Province, there will not be wanting persons to assail him in private letters to individual Members of the Board,—especially to any individual Member known to be unfriendly to the Superintendent; and, thus, the whole course of his labours may be embittered, as well as embarrassed. I speak on this point from experience, in the more limited affairs of the Normal and Model Schools."

Happily the Government took steps, which prevented the Cameron Bill from going into operation; and no one was more pleased, in after years, that this had been done, than was Mr. Cameron himself. (See page 249.)

III. Practically, the episode of the abortive School legislation of 1849, and the singular proceedings of the Toronto City Council, which led to the closing of the City Schools in 1848, as well as the less pronounced, yet no less hostile, proceedings of other Municipal Councils against the principle of supporting the Schools by taxation, had an educationally good effect. It led to a thorough and largely exhaustive discussion in the newspapers, and, by Circular, from the Honourable Inspector General Hincks, (the Educational Representative of the Government,) inviting the individual views of educationists of all shades of opinions, so as to enable the Chief Superintendent to incorporate, in a proposed School Bill, such suggestions as might appear to him to be both wise and expedient. As a result, the notable School Act of 1850 was thus projected; and it has ever since been justly considered as the Charter of our Public School System.

In order the better to aid in producing so highly desirable a result as a change in public sentiment, in regard to taxation for the support of Schools, the Chief Superintendent prepared, in 1849, an elaborate and exhaustive "Address to the Inhabitants of Upper Canada on the Subject of Free Schools." With a view the more effectively to influence public opinion, and to modify, if not wholly to change, the views of opponents to the principle of free Schools, Doctor Ryerson visited the various Counties and delivered this Address at School Conventions held in different parts of Upper Canada.

IV. There are in this Volume two very full Annual Reports of the Chief Superintendent for the years 1848 and 1849, together with several accompanying Explanatory Papers. From these documents, it will be seen how steady and satisfactory had been the expansion and growth, in various important directions, of the School System under the operation of the School Acts of 1846 and 1847. And this is shown to have been all the more gratifying, notwithstanding the efforts put forth in various influential quarters,—aided by the unfriendly acts and attitude of some of the District Municipal Councils. This hopeful state of things Doctor Ryerson thus graphically pictures in one of his "Explanatory Papers," printed on page 286, as follows:—

"The years 1846-1849 have been signalized by the establishment of a Provincial Normal and Model School, and by the very general introduction, into our Common Schools of a uniform series of excellent Text Books. Our Schools have increased since 1846, from 2,589 to 3,036 in 1849. School celebrations and interesting quarterly examinations have, in a great degree, contributed to our progress; while the number of superior School Houses which have been erected, and are now in course of erection, the more general demand for competent Teachers, the popularity of well-trained Teachers from the Normal School, and the decided increase in the amount of Salary, given to each Teacher by the local Trustees, indicate the existence of a widely extended and more deeply rooted feeling of progress in the minds of the people generally; and a determination to sustain the interests of what, to a vast majority of them, is their only college; and to elevate to its proper position, the highly honourable yet laborious profession of School Teaching."

V. As an evidence of the desire of Governor General, Lord Elgin, to promote an important material interest of Upper Canada,—that of Agriculture,—he established two Prizes in Agricultural Chemistry in the Normal School. He thus sought indirectly to counteract the tendency, as he said, (in a new Country like Canada), unduly to exalt the Professions, in the estimation of young men, rather than that of the pursuit and practice of agriculture.

VI. I have recently corresponded with the various Historical Societies in the United States, and the older ones in Canada, and with other parties, in regard to what they have accomplished in the way of educational and other historical research. Although some of these Societies are most generously subsidized, by State Governments and Legislatures* yet none of them have devoted any special

* The Historical Society of Wisconsin receives a yearly grant from the State of $20,000, and other subsidies. The Secretary says: "Altogether we now cost the State $30,000 per year." The Minnesota Historical Society gets a grant of $11,000 a year from the State. The Society of New Jersey receives about $3,000 a year for publishing the State Archives. The cost of these Archives up to date has been $50,000. The Rhode Island Society receives a grant of $1,500 a year.

The New Brunswick Society only receives $125 a year. The Nova Scotia Society receives nothing.

The Documentary History of the Civil War in the United States has just been completed in 127 Volumes,—averaging 1,000 pages each,—at a cost of $3,000,000. It has a copious index, plans maps and engravings. Nearly every public library has been supplied with a copy.

attention to educational historical subjects, except in the way of biographical sketches of noted Educators, or Educationists.

It is, therefore, highly gratifying to know that, (with the single exception of Germany,) there is no Historical Society in the United States, or Canada, and no Government but our own, that has given any attention to the subject of educational history, or has provided for recording, in a permanent form, what their early educational pioneers have done; and, in such publications as this one, to gather up and preserve, for future reference and guidance, the varied educational facts and experiences of the past, so as to enable those who come after them to deal intelligently and satisfactorily with the social and educational problems, as they arise and seek solution.

VII. The account given, (in the late Report of Doctor Harris, the United States Commissioner of Education for 1898, 99,) of two unique collections of Volumes.—one of four, and the other of nineteen,—of German educational history, is of special interest, in connection with the publication of this series of Volumes of the "Documentory History of Education in Upper Canada,"—which, as the United States Commissioner of Education characterizes it, is "quite unique in American Educational Literature."

The following are the extracts from the United States' Commissioner's Report, relating to the publication in Germany of two noted works on the History of Education in that Country:—

Recently a German work on Educational History has made its appearance, following an independent line of research in documentary sources, and thus commending itself to the student. It is a work bearing a Latin name, MONUMENTA GERMANIA PÆDAGOGICA. Nineteen volumes have appeared up to April, 1900. Its object is to introduce the reader directly to the original educational historical sources. A statement of its contents will show what it offers:

Volumes I and VIII present the Brunswick Governmental School Regulations and Decrees, which are the first important authoritative orders given for the establishment and regulation of Schools by Protestant Princes, and are, therefore, of paramount interest in showing how the Schools, during the Reformation, began to be severed from the Church, and how they became State Institutions.

Volumes II, V, IX, and XVI present the original "*Ratio Studiorum*," prescribed for the Schools of the Jesuits. In view of the fact, that, for more than a hundred years, the Schools of that Religious Order in Europe were the best seats of learning below the Universities, this publication is very welcome. It gives an insight into documents not easily available.

Volume III contains the history of Mathematical Instruction in Germany during the Middle Ages.

Volume IV contains the German Catechisms of the Bohemian and Moravian Brethren.

Volumes VI and VIII contain the Regulations and Orders of the Saxon Schools in Siebenburgen, (in Hungary).

Volume VII presents a biography, based on documentary evidences of Luther's friend, the Reformer, Philip Melanchthon, whom contemporary historians called: PRECEPTOR GERMANIA.

Volume XII contains the Doctrinale of Alexander de Villa Dei.

Volume XIV contains the history of education in Bavaria, and Volume XIX, that of the Bavarian Palatinate.

Volumes X, XI, XV, XVII, and XVIII give an account of the history of Military Education, during the last centuries. This last work reaches up to the year 1896, and is, therefore, quite complete. Further volumes will appear in time, as the publication of this valuable undertaking has been secured by a subsidy from the Imperial Exchequer, by a vote of the Reichstag, likewise by substantial aid promised by the Prussian Department of Public Education and learned Societies, as well as the National Teachers' Association. The publication proceeds

rather slowly,—about two Volumes a year,—but, in the interest of thorough scholarship, this may, perhaps, be best.

The Writer in the United States' Commissioner's Report thus points out the distinction between the two methods of dealing with the history of Education,—the second of which I have strictly followed. He says:—

Among the methods of presenting the History of Education, there are two distinct, if not antagonistic ones; the one deals exclusively, or chiefly, with the theories and plans of reform, which, in the course of centuries, have been advanced by philosophers, and, in turn, have agitated the educational world. . . .

The other method is the one, which exclusively deals with facts gleaned from documentary sources from Governmental Decrees, and from School Programmes and Chronicles, and thus presents, or attempts to present, actual conditions. It is "*Quellen-studium*," study of original sources, which is emphasized by modern scholars generally. It is the method advocated in particular by modern historians, and is in accordance with the methods applied in teaching and studying natural history and science. This mode of procedure,—the study of historical sources,—has taken hold of educational, as it has of theological students.

Professor Stephan Wactzoldt, (in his Annual Report of 1894-95, page 460,) quoted in the United States' Commissioners' Report, says:—

"The Science of Education has only recently begun to sever itself from speculative theories and to turn toward historic development of the momenta, that constitute it. There is still too much system and theoretical speculation and construction, while unbiased observation and fixation of facts are not as frequently found as is desirable . . . this method of comparative study of education has been employed by Doctor Karl Schmidt, in his famous work of four volumes, which for thoroughness and philosophic insight is not surpassed by any other on the History of Education. But this work is not a presentation of original sources, however sound may be its foundation

In some respects the elaborate and invaluable systematized Reports, issued from time to time, by the able United States Commissioner of Education at Washington, may be considered as a somewhat condensed and composite annual History of Education in all civilized Countries. It must, necessarily, in regard to special local educational history, be brief and general, and, to a certain extent, fragmentary.

Quite recently, the English Department of Education has adopted the United States system of issuing Annual Volumes on general and specific educational topics, rather than, as a rule, historical accounts of Education in various Countries.

Should a Dominion Bureau of Education be established, as suggested to Sir John Macdonald by Doctor Ryerson previous to the Confederation of 1867, the United States, and latterly the English, System, of issuing accounts and sketches of Education in the various Provinces, and other places, would likely be adopted, and an effort would then doubtless be made of seeking to harmonize our Canadian Systems of Education, without, in any wise, interrupting, or interfering with, the local administration of education in the several Provinces and Territories.

J. GEORGE HODGINS,

TORONTO, August, 1901. Librarian and Historiographer to the Department of Education in Ontario.

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CHAPTER I.

COMMISSIONERS' INQUIRY INTO THE AFFAIRS OF KING'S COLLEGE, 1848—1852.

Owing to the want, in the early days of King College, of any system of audit of the financial operation of that Institution, the Bursar's accounts became greatly confused, even in regard to "meum and tuum," and fell largely into arrears, in consequence, especially during the years 1836–1839.

In March of the year 1839, the House of Assembly,—the right of which to make such inquiries, the Council of the College questioned in 1830, (see page 10,) —in an Address to Sir George Arthur, then Lieutenant Governor of Upper Canada, requested him to cause to be laid before the House a Statement, showing, under six different heads, what was the nature, and what were the amounts, of the receipts and expenditure of King's College, up to date, and also what were those of the Upper Canada College.

By order of the Council of King's College, the Honourable Lieutenant Colonel Joseph Wells, Bursar of the College, (from the year 1828) prepared, so far as his imperfect data would allow, the required Statements, and he submitted them to the Council, before their presentation to the House of Assembly. Upon their being examined by the Lieutenant Governor, as Chancellor of the University, they were considered to be so unsatisfactory, that a Special Committee of the Council was appointed to get fuller and more accurate information on the subject, than that which was given in the Statements prepared by the Bursar.

This Committee, under the able guidance of the Honourable John Simcoe Macaulay, prepared a very full Report on the then condition of the College finances, and also in regard to the rather confused accounts submitted to the Council by the Bursar.

From this Report,it appeared that the total amount of the receipts and expenditures of the Institution, from 1828 to 1839, were : Receipts, £82,729 ; Expenditures, £69,578 ; leaving a balance, to be accounted for, in the Bursar's hands of £13,151. Of this balance, the Report of the Special Committee of the King's College Council, (which I quote, so as to show the nature of the system followed by the Bursar), stated—

> That the Bursar has deposited in the Bank of Upper Canada, and in the....Commercial Bank.... two several sums amounting to £6,844 ; and that he has, from time to time, lent the remainder of the balance due to the University, that is £6,207 to divers individuals, from some of whom real estate has been taken in payment. These transactions, on the part of the Bursar, appear to have been solely on his own account and responsibility, wholly unauthorized by, and without the knowledge of, the Council of King's College.*

The Bursar, having made a full acknowledgement and explanation, of these facts, gave ample security for the sum due by him to the University.

*See page 191 of the Third Volume of this Documentary History, and page 84 of the Fifth Volume.

Very soon afterwards the Honourable Robert Baldwin became a Member of the Government; and, in the University Bill, which he introduced into the Legislature in 1843, he inserted the following provision for the appointment of a Royal Commission to inquire into the "fiscal affairs" of the University.

COMMISSION OF INQUIRY INTO KING'S COLLEGE AFFAIRS PROPOSED IN THE BALDWIN BILL OF 1843.

"Commission to enquire into fiscal affairs.

"*XCII. And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, if he shall think it expedient so to do, to appoint, at any time within three years, after the passing of this Act, any three Commissioners, and to renew such Commission, from time to time, within the said three years, as occasion may require to examine into all the accounts and other Fiscal Affairs of the said University, and of the said Royal Collegiate High School, and into all matters in any way connected with the same, and to report to him thereon; And, in the event of the said Commissioners, or the majority of them, disapproving of the system upon which such accounts have heretofore been kept, to frame and report a new system for the keeping of such accounts, which system, so reported, if approved by the Governor, Lieutenant Governor, or Person Administering the Government of the Province, for the time being, shall be adopted and used by the Bursar of the said University in keeping such accounts, until otherwise directed by a Statute of the said University; and each of such Commissioners, on making their final report, shall be entitled to such allowance out of the Investment Fund of the said University, as the Governor, Lieutenant Governor, or Person Administering the Government of the Province, for the time being, shall, by Warrant, under his Hand and Seal, think fit to appoint, and which amounts respectively shall be paid by the Bursar of the said University, out of such funds, in obedience to any such Warrants respectively.

University system of accounts.

"Remuneration of Commissioners.

"Powers of the Commissioners.

"*XCIII. And be it enacted*, That the Commissioners, for the time being, to be appointed under the authority of the last preceding Section of this Act, or a majority of them, shall have power, by summons, or otherwise, to require, from time to time, the attendance before them at any time and place which they, or a majority of them may appoint, all and every of the said Officers and Servants of the said University, and of the said Royal Collegiate High School, and of all such persons as have heretofore been Members of the College Council of King's College aforesaid, or have been, in any way, concerned in the management of the said College of King's College, or the said Collegiate High School, or who shall hereafter be Members of the Caput of the said University, or of the Council of the said Collegiate High School, or be, in any way, concerned in the management of either; and also to require, from time to time, from such persons respectively, the production to them, the said Commissioners, for the purposes of such examination, of all books, accounts, documents and other papers, of what nature, or kind, soever, touching, or in any way, relating to the premises, and which shall be in the custody, or power, of any such Officer, or other Person." *

The Baldwin Ministry having resigned during the Metcalfe crisis, after this Bill had been introduced into the House of Assembly, it never became law; but, on Mr. Baldwin's return to power, in 1848, he became, as Attorney General, a Member of the Council of King's College, *ex-officio*.

PROPOSED COMMISSION OF INQUIRY INTO THE AFFAIRS OF KING'S COLLEGE IN 1843.

In the absence of any statutory provision on the subject, as provided by his University Bill of 1843, Mr. Baldwin prepared and submitted for the approval of Lord Elgin, the Chancellor, a Statute, to be laid before a College Council, for its adoption, appointing Messieurs John Wetenhall, Joseph Workman and Robert Easton Burns, Commissioners, on behalf of the Council:—

"1. To examine into, and report upon the Financial Affairs of this University and the State of the Endowment thereof, and also into the Financial Affairs of Upper Canada College, as an Appendage to this University, and the State of the Endowment thereof; and all things touching the Finances, or Endowments, of them, either of them, as fully and effectually, and with all the like powers, as far as this Statute can confer such Powers, as the same could or might, have been done by any Commission that might have been appointed under the authority contained in the said Bill of 1843, had the same passed into a Law.

* See page 84 of the Fifth Volume of this Documentary History.

"II. That such Commissioners, or the majority of them, shall have,and are hereby invested with, full power, and authority, to send for and examine such of the Officers and Members of the University, and of Upper Canada College, as an Appendage to the Same, and also all such Clerks and Servants of them, or either of them, and generally all such persons in the service, or employment, of both, or either of the said Institutions, as such Commissioners, or the majority of them, shall think expedient, or necessary, for the purpose of such Enquiry ; and all such Officers, Members, Clerks, Servants and Persons, so employed, shall, and they are hereby required, to communicate to such Commissioners, or the majority of them, all the information in their power, touching, or, in any wise, concerning the subject of such Enquiry, and, moreover, produce and show to such Commsssioners, or the majority of them, on their requisition, all such Books, Papers and Records, or other matters, as the said Commissioners, or a majority of them, shall, or may, from time to time, think necessary, or useful, with a view to the investigation hereby committed to them, in the same manner, and to the same extent, and subject to the like penalities for disobedience, as if such direction proceeded from the College Council itself."*

PROCEEDINGS OF THE UNIVERSITY INQUIRY COMMISSIONERS, 1848.

This Statute of the King's College Council was passed on the 20th of July, 1848, (as shown on page 236 of the last Volume of this History), and, in the following month, the Commissioners commenced to hold the Inquiry into the financial affairs of the College, as authorized by that Statute.

The investigation was a very protracted one, and was not finally closed until 1851, when the Commission, made their Report to His Excellency the Chancellor of the University. That Report was laid before the House of Assembly in 1852, and was ordered to be printed in book form It extends, with appendices, to 366 pages.

I have only inserted in this Documentary History those early portions of the Report which deal with the irregularities of the financial system, or rather, as the evidence showed, "want of system," in keeping the accounts of the receipts and expenditures of the Institution. I have ommitted all of those portions of the Report,dealing with, and commenting on, mere details of management, and sundry items of expenditure,—one of which was the payment "of £430, ($1,720,) for a "Wooden Model", sent out from London, as a miniture representation of the future [now old] University Buildings," as shown on page 122 of the Sixth Volume of this Documentary History.†

The following are those portions of the Commissioners voluminous Report, which I deem it desirable to insert in this History;

PRELIMINARY REMARKS OF THE COMMISSIONERS ON THE KING'S COLLEGE INQUIRY OF 1848

The Commissioners of Inquiry into the affairs of King's College University, and Upper Canada College, beg to submit to Your Excellency, (Lord Elgin) the following Report. The Commissioners of Inquiry derived their authority from the following Statute of the University, passed on 20th July, 1848 :—

UNIVERSITY STATUTE OF 1848, AUTHORIZING THE COMMISSIONERS TO MAKE THE INQUIRY.

WHEREAS it is most probable, that this University will shortly again engage the attention of the Provincial Parliament, as it has done already for several Sessions past, and may be made the subject of some legislative provision for putting it on a different footing from that on which it now rests : and

* See pages 236-7 of the Seventh Volume of this Documentary History.

† In reply to a letter of enquiry which I sent to Vice-Chancellor Mulock in 1894 on the subject of this "Wooden Model" of the University for which so large a sum was paid, he replied as follows :—"I never heard of the Model of King's College until the receipt of your Letter and I have no idea as to whether or not it is even in existence." . . See page 222 of the Second Volume of this History.

WHEREAS the Bill introduced into the Lower House of Parliament for this purpose, in the year of Our Lord 1843, contained a provision for the appointment of a Commission, with certain powers in the said Bill specified, to examine into all accounts and other fiscal affairs of the said University, and of those of Upper Canada College, as an Appendage to the same, and into all matters in any way connected with such affairs, and to report thereon; and, in the event of the Commissioners, or the majority of them, disapproving of the system upon which such accounts were kept, with power to frame and report a new system for the keeping of such accounts.* And:

WHEREAS it is desirable to facilitate, as much as possible, the early and final settlement of such questions,

It is, therefore, expedient that such inquiries should be made at once, in order to enable the Legislature the sooner to come to a final determination thereon: And:

WHEREAS, a belief in the existence of an unsatisfactory state of the financial affairs of this Institution has gained ground with the public, which it is hoped such inquiry would remove;

And it is, to that end, of the utmost importance that the same should be carried on as well under the express authority of the University, and with all the aid that can be afforded by the Members and Officers thereof, as that it should also be conducted by persons not heretofore in any way connected with the management of its affairs; And:

WHEREAS John Wetenhall, of Nelson, in the County of Halton, Esquire, Joseph Workman, of the City of Toronto, Esquire, and Robert Easton Burns of the same place, Esquire, are gentlemen considered well qualified to perform this duty.

BE IT THEREFORE ENACTED and ordained:—

First:—That the said John Wetenhall, Joseph Workman, and Robert Easton Burns shall, and they, or any two of them, are hereby authorized and empowered to examine into and report upon the financial affairs of this University, and the state of the Endowment thereof, and also into the financial affairs of Upper Canada College, as an Appendage to this University, and the state of the Endowment thereof, and all things touching the finances, or Endowments of them, or either of them, as fully and effectually, and with all the like powers, as far as this Statute can confer such powers, as the same could, or might, have been done by any Commission that might have been appointed under the authority contained in the said Bill, had the same passed into a Law.—

Secondly:—That such Commissioners, or the majority of them, shall have, and are hereby invested with full powers and authority to send for and examine such of the Officers and Members of this University, and of Upper Canada College, as an Appendage to the same, and also, all such Clerks and Servants of them, or either of them, and, generally, all such Persons in the service, or employment, of both, or either, of the said Institutions, as such Commissioners, or the majority of them, shall think expedient, or necessary, for the purposes of such inquiry: and all such such Officers, Members, Clerks, Servants, and Persons so employed, shall, and they are hereby required to communicate to such Commissioners, or the majority of them, all the information in their power touching, or in any wise, concerning the subject of such inquiry, and moreover produce, and show to such Commissioners, or the majority of them, on their requisition, all such Books, Papers, and Records, or other matters, as the said Commissioners, or the majority of them, shall, or may, from time to time, think necessary, or useful, with a view to the investigation hereby committed to them, in the same manner, and to the same extent, and subject to the like penalties for disobedience, as if such directions proceeded from the College Council, itself—

Thirdly:—That the Report of such Commissioners shall be made in duplicate, the one for the use of the College Council, and the other to be transmitted to His Excellency, the Chancellor—

Fourthly:—That such Commissioners, on making their final Report, shall be entitled to such allowance from the funds of the University, not exceeding that usually allowed to Commissioners appointed for similar purposes by the Crown, as His Excellency the Chancellor for the time being shall, by Warrant, under his hand and seal, think fit to appoint, as well for their own loss of time and trouble in performing the services hereby required of them, as for all incidental expenses of Clerks, stationery and the like, which allowance shall be paid by the Bursar of the said University, in obedience to such Warrant.

H. BOYS, Registrar of King's College.

Toronto, 20th of July, 1848.

CONSECUTIVE VIEW OF THE CHARGES AGAINST THE ADMINISTRATION OF THE AFFAIRS OF KING'S COLLEGE UNIVERSITY.

The Minutes of the Council of King's College University,—already published in successive Volumes of this Documentary History,—record a number of matters, as well as various transactions, of which the Commissioners appointed to inquire into the "affairs" of the Institution strongly disapproved.

These Minutes did not, however, take cognizance of many things done by the Bursar and other Officers of the University. They, nevertheless, came specifically, as a matter of course, under the notice of the Commissioners in making their official inquiry.

* These provisions of the Bill of 1843 are quoted on page 2 herewith.

I have, therefore, under these circumstances, thought it better to follow the Commissioners, in their grouping of the facts brought out by their inquiry, and thus give, in a consecutive form, their record of these transactions, as detailed by the Commissioners, and strongly criticised by them as objectionable.

It is only right to say that many matters connected with the administration of the affairs of the University were judiciously managed, and was so regarded by the Commissioners. The failure, however, to do right in many other matters, arose, not so much of *malice prepense*, but from pure carelessness, or from inattention to ordinary business principles, details and methods. This fact is frequently referred to by the Commissioners in their Report.

The value of this Report of the Commissioners is, that it puts into concrete form many alleged facts and statements, which, in many cases, were mere conjecture, surmise, or gossip The Commissioners were, therefore, the better enabled, and they were so disposed, to deal with these alleged facts and statements solely on their merits, and in regard to their comparative importance.

Most of the charges of financial mismanagement, and other objectionable proceedings, which were constantly spoken of in the early forties, were grouped together in chapters, and, were in a comprehensive form, published in a pamphlet of 101 pages by Mr. John Macara* in 1844, entitled :—

"The Origin, History and Management of the University of King's College, Toronto.—Tros Tyriusve mihi nullo discrimine agetur.—What we want is Liberty—Absolute Liberty—Just and True Liberty—Equal and Impartial Liberty.—*Locke*. Printed by George Brown, 142 King Street, Toronto, 1844."

From this strongly worded Pamphlet many corroborative extracts have been taken, as occasion required, for insertion in preceding Volumes of this History.

COMMISSIONERS' REPORT ON THE AFFAIRS OF KING'S COLLEGE, 1848.

Preliminary Statement of the Case.

May it please Your Excellency, the Chancellor of King's College University: The Commissioners, in conformity with the provisions, and under the authority of the above cited Statute of the University, made arrangements for commencing their labours at the earliest possible date after notification of their appointment ; and accordingly met in Toronto, on Monday, the 7th of August, 1848.

The first duty to which the attention of the Commissioners was given, was that of ascertaining, as far as practicable, the nature and extent of the work which they had consented to undertake. A very short acquaintance with the existing state of the accounts of the University and Upper Canada College, sufficed to convince them that the inquiry would be one of much difficulty ; and that it would require much more time and labour for its completion than they had, at the time of assenting to the proposal of their appointments, been led to believe would be called for.

As, however, they had committed themselves to the undertaking, they are determined to prosecute it with all the zeal and industry which they might be able to bring to a work of such high public importance; they, therefore, laboured earnestly from day to day, to make themselves masters of the financial and administrative affairs of the University, so as to be able to reduce the Accounts to a simple and intelligible form, and to exhibit, in a concise and clear statement, the actual condition of the Institution. But from day to day, they found new difficulties arising, still more formidable than those already observed, and rendering more obscure and remote the object primarily aimed at by them, until, at length, the conviction was reluc-

* For a personal reference to Mr. John Macara, Author of this Pamphlet, see Note on page 201 of the Fourth Volume of this Documentary History.

tantly forced on them, that any attempt to attain their purpose by a speedy generalization or revision of the Accounts must prove abortive and totally unreliable.

CONDITION OF THE ACCOUNT BOOKS IN THE COLLEGE BURSAR'S OFFICE.—The Account Books kept in the College Office were, from the very foundation, defective, confused, and totally unsuited to the requirements of a correct business establishment ; and the compilers of them, being no longer in the service of the University, personal explanations, even if at all serviceable, were not available. No regular balance had ever been struck, by which their accuracies might have been tested, or their inaccuracy detected. Indeed, balancing was quite foreign to the character and structure of such Books. The want of it was not felt, because the system, (if such a term be applicable to uniformity of confusion,) pursued in the Bursar's Office admitted of no such process of comparison.

The first duty of the original College Council was obviously to have placed the fiscal management of the University in the hands of an active and competent Accountant, who would have opened a proper set of account Books, on approved commercial principles. Instead, however, of adopting this course, the Council installed in the office of Bursar, a Gentleman, devoid alike of business experience and the knowledge of practical book-keeping. The first element of all business accountancy, —a Cash-Book,—was not found in the Institution.

The want of a Cash-Book seems to have been unfelt by either the Bursar, or the College Council, until the unexpected discovery of that Officer's default, after an incumbency of over twelve years. This discovery brought out the fact, that he had not kept any separate, or, at least, any instructive record of his own private cash account, and that of the University.

An Endowment, consisting of nearly a quarter of a million acres of the choice lands of the Province, nearly all in occupancy under lease, and valued by the Council, at its first meeting, as worth no less than one pound per acre, was thus, (after many years of previous mismanagement by the Servants of the Crown,) at the outset subjected to defective administration.

No proper Rent-Roll accounts were opened, or compiled, showing the pecuniary relations existing between the Tenants and the Proprietor. Rents were received when offered ; Lands were sold when sought for ; purchase money was taken when brought in ; interest was accepted when tendered ; and such occurrences gave the first introduction to the names of the respective parties to the account of the University. But the reappearance of such names in the accounts, depended entirely on the parties own choice, or on their own conceptions of moral, or business, obligations. The Crown Schedule handed over to the University, when the Endowment was bestowed upon it, gave the names of the lessees, or Occupants, of Lands ; but no attempt was made , until a recent period, when the want of such a compilation was severely felt, to open a regular set of accounts with the whole of the Tenants of the University.

During the course of this investigation the Commissioners find, in the Books of the University, numerous instances, as traced out by their Clerks, after long and very perplexing research, of sales of University Lands,—some as far back as 1830, 1831, and 1832,on which one instalment of the purchase, or perhaps two, were paid, and nothing since, either for principal or interest. The Rent account has been even more negligently treated.

From the preceding brief statement, some conception may be formed of the difficulties by which the Commissioners were beset, at the outset of their inquiry, and which continued to accumulate, as they advanced in their labours.

THE GRANT OF THE ORIGINAL ENDOWMENT OF KING'S COLLEGE IN 1828.

The Commissioners next proceed to give some details as to the number and character of the heterogenous Account Books of the University submitted to them. They then give the following summary sketch of the history of the original Endowment of the University, made, in 1798, out of the Imperial Grant, in 1797, of the Crown Lands of the Province for "the establishment of Free Grammar Schools . . . and of other Seminaries of a larger and more comprehensive nature." . . . The Commissioners say :—

In 1797, a grant of 549,000 acres was, at the instance of the Provincial Legislature, placed at the disposal of the local authorities for the purpose of yielding an adequate revenue for the maintenance of various educational establishments, (such as free Grammar Schools, etcetera) and including a University.

Of the above Land Endowment, 190,573 Acres were, up to the year 1826, assigned to, or disposed of, by a public body known as the Board of General Education,* the proceeds of this

* The Proceedings of this Board, from 1823 to 1833, are given on pages 1-15 of the Third Volume of this Documentary History.

Grant having been, as the Commissioners believe, applied to the support of . . . Grammar Schools; but the low prices obtained, at this period of Canadian settlement, for the Public Lands, no doubt rendered the fiscal returns comparatively slender. We are informed, in the Report of the Reverend Doctor Strachan, that, in 1826, there were in Upper Canada no more than 350 Common Schools and 11 District, or Grammar, Schools; the former having a regular attendance, estimated by this Reverend gentleman at 8,000 scholars, and the latter about 300.* The residue of the Grant of 1798, amounting to 358,427 acres, appears to have been regarded by the framer of the Report above mentioned, as well as by the Lieutenant Governor for the time being, as properly constituting that portion of the Royal gift which had been intended for the support of the contemplated University.

His Excellency, Sir Peregrine Maitland, in December, 1825, in a Despatch to the Colonial Secretary, Earl Bathurst, suggested the propriety of an exchange being made by the Imperial Government of all the unalienated Lands, known as the Crown Reserves, occupied under lease, for an equal quantity of the above 358,427 acres of School Lands, in order to ensure the immediate establishment of a University, by the substitution of valuable and saleable lands, as its Endowment, in place of those at command: "a considerable portion of which was not of the first quality," and lay "in tracts remote from settlement"†

The Crown Reserves, above alluded to, were estimated by His Excellency at 200,000 acres, and worth, on the average, ten shillings per acre. The Reverend Doctor Strachan, in the following year, 1826, estimated these Reserves at 229,000 acres, and worth "ten shillings, Provincial currency, per acre." According to the Deed of Endowment of the University, dated the 3rd of January, 1828, the quantity of Land conveyed to the University from the Crown Reserves was 225,944 acres; which, however, by certain errors of measurement and prior alienations which were subsequently discovered, was reduced to 223,538¾ acres.‡

On 31st May, 1828, before any sales had yet taken place, the College Council, as appears by the following Minute, fixed the minimum price, per acre at twenty shillings:—

"*Resolved*, That no lot be sold for less than one pound per acre. That the terms of payment be 1-10th down, and 1-10th with interest annually, so that the transaction be finished in nine years."

On 30th of September, 1830, the King's College Council, in a Report submitted to His Excellency the Lieutenant Governor, state the value of the University Lands to be "nearly £100,000," but though they inform His Excellency that they "have agreed to sell their possessions at a fair valuation" they omit to mention the foregoing minimum price fixed by them on the 31st of May, 1828. The Council valued the annual rental at "less than £1,000 per annum." This sum was very much under the actual amount. It must have been at least £3,000. The average price on the whole of the sales, say 134,057 $\frac{3}{10}$ acres, up to 31st December, 1849, has been £1 4s. 3½d. per acre. (See page 317 of the First Volume of this History).

It is, therefore, manifest that the Lands bestowed upon the University, as an Endowment, were of greater value than the Council seemed desirous to represent them to be; and that, under judicious management, they would have afforded a most ample support to the Institution, which they had been destined by the Royal Donor to uphold.

In addition to the landed Endowment above mentioned, His Majesty was pleased to order that £1,000 sterling, per annum, be paid into the funds of the University [from the sale of Lands to] the Canada Company, during the remainder of the term of their agreement, (which was then understood to be about sixteen years,) to constitute a fund for the erecting the Buildings of the Institution.§

Of the lands constituting the difference between the 358,427 acres remaining of the grant of 1798, and the 225,944 acres conveyed from the Crown Reserves to the University, in exchange for an equal quantity of the former, the records of the University, so far as the Commissioners have been able to discover, afford no information. This difference amounts to 132,483 acres; and, by reference to the Report of the Reverend Doctor Strachan, before noted, the suggestions of which were approved of by His Majesty, it is evident that the whole of the 358,427 acres referred to, were regarded as appertaining to the University. It is probable that the founders of the Institution and the College Council were so well satisfied with the obtainment of the less quantity of Land of much higher value than that given in exchange, that they deemed it inexpedient to press the claims of the University to their legitimate extent.

WHERE, IN UPPER CANADA, WERE THE LANDS OF THE UNIVERSITY ENDOWMENT SITUATED?

The Crown Reserves, thus converted into the University Endowment, consisted of Lands situate in various parts of Upper Canada, in actual, or nominal, occupation, under lease, at rate of rental fixed by a certain scale established by the Provincial Government; and a large propor-

* This Report will be found on pages 215-221 of the First Volume of this Documentary History
† This Despatch is printed on page 205 of the First Volume of this History. ‡ *Ibid.*
§ The particulars of this special grant are given on page 226 of the First Volume of this History.

tion of the lots were in an improved, or cultivated, state. The following statement of the quantities in the respective Municipal Districts will sufficiently indicate the value of these lands, so far as their location is concerned :—

In the Eastern District	4,350 acres
In the Ottawa District	3,390 acres
In the Johnstone District	13,342 acres
In the Bathurst District	1,868 acres
In the Midland District	30,628 acres
In the Newcastle District	36 729 acres
In the Home District	54,048 (should be 54,053 acres)
In the Gore District	39,146 acres
In the Niagara District	5,137 acres
In the London District	34,481 (should be 34,489 acres)
In the Western District	2,825 acres
Total in the Eleven Districts	225,944 acres.
The total should be, as noted above	225,957 acres

From the above details, it will be observed that no less than 195,032 acres of the University Endowment, or nearly nine-tenths, were situate in the five richest Municipal Districts of Western Canada, videlicet :—Midland, Newcastle, Home, Gore, and London. Never, perhaps, in any age, or country, was so princely a domain, dedicated to the great purpose of Education ; and had the most ardent friends of Collegiate Institutions in this young Country, been granted the privilege of selecting from the public lands, the most valuable and accessible which the entire Province offered, they could not have made better choice.

Remissness of the King's College Council in Conserving the University Estate.

Many of the Tenants in occupation of these Lands had held their lots under lease from the Crown, from an early period in the settlement of Upper Canada, at a yearly rental, varying with the length of time which had transpired from the date of grant. As the improvement of these Lands was supposed to advance with the lapse of years, the leases were constructed for three terms of seven years each ; and the rent was increased in an ascending ratio, so as to correspond with the increasing means of payment by the lessees. It appears, however, from an inspection of the Crown Rents accounts, so far as the Commissioners have had opportunities of noticing them in the University Accounts and Records, that this department of the Crown revenues had been administered with extreme remissness ; the payment of rents and the renewal of leases, seem to have been matters of simple option on the part of the occupants of lands ; and all who chose to avail themselves of the forbearance of the proprietor, as a sufficient reason for evading payment, and holding their farms by natural right, found themselves perfectly safe in doing so.*

It must be apparent that mismanagement of this nature, on the part of the Crown, could not fail to prove most detrimental to the interests of its successor, the University. Many of the Tenants had probably ceased to regard themselves as longer under any obligation to pay the annual rents ; and not a few may have believed that the original covenant was a mere matter of form, and that it never had been the intention of the proprietor to ask for, much less to enforce, payment. Rents remained unpaid and unasked for ; leases expired, and renewals were unsought for ; the lands were improved, or pillaged, or remained in their wilderness condition, according to the natural course of events ; and the relation of Landlord and Tenant was allowed to become an obsolete fact, unless in those instances in which the proximity to the Seat of Government, or a more than ordinary tenderness of conscience, on the part of the occupants, conduced to its perpetuation. A Rent-Roll thus negligently managed, certainly called for no trivial vigilance in the successor to the Estate ; and, even under the most judicious and active administration, it was impossible but that much loss and inconvenience should be the consequence of the defective fiscal discipline which had obtained under the previous ownership.

Had a good system of management been established and kept up by the Crown, it is more than probable that it would have descended to the University. Unfortunately, the model left by the former Bursar was the worst which could have been followed ; and the early authorities of the Institution do not appear to have been very active in the devising of a better.

If the lands had come into the possession of the University, as a well ordered and carefully managed estate, the accruing annual revenue would have been so large that the alienation of the

* See, however, the nature of the proceedings taken by the King's Council to prevent this "natural right" from taking effect, as detailed in a subsequent part of the Commissioners Report and entered on the Minutes of the Council. See also pages 75, 76 of the Seventh Volume of this Documentary History.

property, by a system of sales in fee simple, would not only have been deemed uncalled for, but would have been regarded as an unwise course of policy.

An examination of the annual cash returns from the rent account, during the first six or seven years of possession by the University, suffices to show the actual position of the rental administration at this time. Those Tenants who chose to offer payment became known to the Officers of the Institution ; and their names then first appeared in the imperfect accounts kept.

The payments for rent in 1828 were, with one exception, received from purchasers ; being for arrears due by them on the Lands sold to them. In succeeding years, the rent collected was either from purchasers, or from Tenants at no great distance. Those, who neglected, or avoided, payment remained unknown to the establishment ; and found the new proprietor no less indulgent than had been its predecessor. This state of things was probably not injurious to the community ; but it was very detrimental to the interests of the University. It is not to be supposed that the managers of the University Estate were totally heedless, or ignorant, of the great disadvantages under which their trust suffered ; but though, they may have desired a better system, they did not establish it, or they deferred its adoption until the accumulated embarassments, which always press upon those, who entrust their affairs to persons devoid of experience and business habits, rendered the work too formidable an undertaking to be entered upon without effecting changes of incumbency, which they probably did not feel disposed to carry out.

Fatal Results to the University of persisting in a defective System of Accounts.

The entire history of the University Endowment and its administration, as it has been gathered by the Commissioners, from the accounts and records of Institution, is but a continuous demonstration of the fatal results of persisting in a defective system of accounts. It would be absurd not to suppose that in any country, constituting a portion of the British Empire, but more especially in a Colony, enjoying the privilege of Representative Government, a period must arrive, when a full exposition of the fiscal management of an Institution of such great public importance and endowed so richly from the Lands of the Crown, would be demanded.

The institution of the present Commission of Inquiry was not a matter of choice, but an act of imperative necessity ; and now that the Commissioners are well on in their labours, their chief surprise is, that the work allotted to them, should have been, so long, deferred. The labours of the Commissioners have not consisted in an examination, or rectification, of the University Accounts, but in the construction of them, from materials of the most confused and perplexing character. Had the inquiry been instituted at an earlier date, and the Accounts of the University reduced to a state of business intelligibility, so that its fiscal affairs could have been so thoroughly understood by its authorities and Officers as not only to enable them, at any moment, to submit clear statements to the public, but also to prompt them to an earnest desire to afford all such information, it is difficult to say to what extent the interests of the Institution would have been benefitted thereby.

THE MISMANAGEMENT OF UNIVERSITY AFFAIRS, FROM 1828 TO 1839.

As a matter of convenience, and for the purposes of systematic investigation, the Commissioners selected those periods of University administration which coincided with the term of office of the two Bursars of the University,—the first from the year 1828 to July, 1839, when Lieutenant Colonel Joseph Wells held the office of Bursar ; the second extended from July, 1839, to the end of the period of the investigation, during which Doctor Henry Boys and Mr. Alan Cameron were Bursars. The Report of the Commissioners, on the General Management of University Affairs during the first Period, 1828-1839, is as follows :—

Provisions of the Charter of King's College University, Granted in 1827.

The Royal Charter of Incorporation, bearing date 15th March, 1827, vested the government of the University, and the management of all its affairs, in a Council consisting of nine Members. The following extract will indicate the structure of the Council, as well as the intention of the Sovereign, with reference to its denominational character :—

And WE do hereby declare, ordain, and grant, that there shall be, within OUR said College, or Corporation, a Council, to be called and known by the name of the 'College Council' ;

And WE do will and ordain that the said Council shall consist of the Chancellor, and President, for the time being, and of seven of the Professors in Arts and Faculties of OUR said College; and that such seven Professors shall be Members of the Established United Church of England and Ireland; and shall, previously to their admission into the said College Council, severally sign and subscribe the Thirty-nine Articles of Religion, as declared and set forth in the Book of Common Prayer; and, in case, at any time, there should not be, within OUR said College, seven Professors of Arts and Faculties, being Members of the Established Church aforesaid, then OUR will and pleasure is, and WE do, hereby, grant and ordain that the said College Council shall be filled up to the requisite numbers of seven, exclusive of the Chancellor and President, for the time being, by such persons, being Graduates of OUR said College, and being Members of the Established Church aforesaid, as shall, for that purpose, be appointed by the Chancellor for the time being of OUR said College; and which Members of Council shall, in like manner, subscribe the Thirty-nine Articles aforesaid, previously to their admission into the said College Council."

The temporary government of the University, previous to the appointment of Professors, was provided for, by another clause of the Charter which empowered the Chancellor :—

To appoint seven discreet and proper persons, resident within the Province of Upper Canada, to constitute jointly, with him, the said Chancellor, and the President, for the time being, the first original Council.

The Charter established Five as the quorum of Council, in all lawful Meetings thereof, giving to the Presiding Officer the right of voting with his Colleagues, and an additional, or casting, vote, in case of equality of votes.*

That a governing body, constructed on the exclusive principles set forth in the preceding provisions, which were strictly adhered to, in the nominations to the original Council, should manage the Endowment and direct the affairs of a great Provincial Institution, so as to give unexceptional satisfaction, was not to be expected; more especially in a British Province, which, even at this early period, contained a great variety of Religious Sects, some of which were formidable, alike in numerical strength and in their antagonism to the established Religion of the Mother Country, and were destined to receive large accessions to their numbers from the continual ingress of new settlers, whose habits of thought and opinions, on the subject of church government, were not likely to be of a more tranquillized character than those of the earlier colonists.

THE SUREST GUARANTEE FOR FISCAL RECTITUDE IN CORPORATIONS IS PUBLIC SUPERVISION.

No fact stands more clearly established in the history of Corporations than that the surest guarantee for their fiscal rectitude, and administrative correctness, is found in the scrutinous supervision of all their proceedings by the public. Men, in their individual capacity, and in the management of their own private affairs, seem to be guided by rules of conduct widely different from those, which they appear to acknowledge when acting in combined numbers: and if this is observed, even in organizations whose proceedings are public, it is not surprising that serious errors may be committed by those, who are not subjected to any censorship.

RELUCTANCE OF THE COLLEGE COUNCIL IN 1830 TO FURNISH INFORMATION TO THE LEGISLATURE.

The College Council, at so early a date as February, 1830, manifested a repugnance to the submission of its fiscal affairs to the Provincial Legislature. The following extract from the Council Minutes will show the views entertained by that Body on this subject :—

The attention of the Board was called to the circumstance of an application made by the House of Assembly to His Excellency the Lieutenant Governor, for information relative to its funds, and the expenses incurred; and it was decided that the following communication should be transmitted to His Excellency :—

In transmitting, at Your Excellency's desire, this statement of the funds of King's College, and the expenses incurred, thereby, affording information upon those subjects on which the Council have the least reason for wishing reserve, they nevertheless deem it proper thus early to solicit Your Excellency's consideration of a question which may in time become important, namely, how far the Legislature can regularly assume a right to inquire into the financial, or other, concerns of an Institution resting wholly on Royal foundation, and deriving neither privilege nor aid from any other quarter—

Any discussion, or difficulty, upon this question may lead to perplexing results: and the Council feel that it is but prudent to shew, that they are not insensible to the embarrassment that may then be found to have been created by repeated acquiescence.

In offering this observation the Council desire not to be understood as advancing an objection to a compliance with the request for the information which is now placed in Your Excellency's possession.†

The College Council, in alleging as a ground of their exemption from the necessity of furnishing to the Legislature, statements of the financial affairs of the University, the fact of its

* A copy of the Charter, here referred to, will be found on pages 222-225 of the First Volume of this Documentary History.

† See pages 316, 317 of the First Volume of this History.

"resting wholly on Royal foundation," seem to have overlooked the circumstance, that the Institution was established by Royal Charter, not that it might thereby be exempted from this salutary legislative supervision, but

"To give it dignity, and enable it to confer academical honours and degrees, according to the forms established in the English Universities."

Uncertainty as to Whether Accounts were Annually Rendered to the Legislature.

The Commissioners are unable, from the University records, to state whether repeated applications for information, such as that above referred to, were made by the Legislature. It is very certain that the annual rendering of Returns, based on a correct and simple system of accounts, would have contributed materially to the safe-working of the Institution in its financial concerns ; and why the Council should have evinced any reluctance to furnish the information desired, must be a question of difficult solution. The Council, (which could have no purpose to serve in demurring to the demands of the Legislature, save the prudent assertion of the privileges and independence of the University, as pertaining to it by virtue of its Royal Charter,) enunciated, in their remonstrance against the principle of legislative interference, a doctrine, which, in after years, exhibited a pernicious influence ; and to which, it is to be feared, may be traced many of those errors and defalcations which subsequently injured both the character and the interests of the Institution.

That an exposition of the University accounts must some time have become public, ought to have been considered in the first instance : when, at length, an investigation into the fiscal condition of the Institution was enforced, by the highest authority in the Province, the fact was rendered apparent that the supervision of the Council, had been but nominal, and that the direction of the funds, and very probably the entire management of the University Estate, had been left in the hands of the Bursar.

No Regular Cash Book was kept by Mr. Bursar Wells.

The Commissioners can well understand the embarassment which would, necessarily, have been produced in the operations of a corporate Body, the affairs of which were thus conducted, by repeated acquiescence in the demand made by the Legislature in 1830 ; and they cannot more pointedly exhibit the grounds of their conviction, on this head, than by a reference to the questions addressed by them, to the late Bursar, Doctor Boys, under date of 16th August, 1848, and to that Officer's replies to the same . . . From these replies, it is apparent, that the leading elementary Book of every financial, or common, business establishment was unknown in the University Office. The absence of this essential record of the current Cash transactions of the University, led the Commissioners to the propounding of the . . . queries, above referred to ; and the reply of Doctor Boys conveyed to them, the information, that he was not aware of the existence of any regular Cash-Book for the period of Colonel Wells' Bursarship. Above £80,000 of cash had, during this period, been received, and £55,000 disbursed ; yet the College Council seem to have been totally ignorant of the mode in which the cash transactions were recorded, and about 97,000 acres of the University Endowment had been sold, apparently under the sole discretion of the Bursar . . . The result of the investigation into the Accounts of the University, conducted by T. C. Patrick, Esquire, and closed in July, 1839, showed that the Bursar held in his own hands a balance of Cash of more than £13,000. (The accounts of the Commissioners, as will be noticed in another place, show the actual amount to have been considerably more than this sum). This money, instead of having been duly lodged in the Bank, at the credit of the University, for safe-keeping, or invested by the Council in productive securities, had been used by the Bursar himself, in various, private speculations, chiefly consisting in loans to various borrowers, some of whom, the Commissioners believe, had been unsuccessful applicants for the like favour from the College Council itself.

The Unsatisfactory State of Mr. Bursar Wells' Accounts.

Colonel Wells, in liquidation of the balance appearing against him in July, 1839, tendered to the University mortgages and other securities to the amount of £7,497.12s.6d. ;—the dates of the loans for which these securities had been taken by him, are not stated, consequently no definite conclusion can be formed as to the time, during which, he had derived interest from them. He states explicitly that interest was charged to the borrowers in consideration of the accomodation afforded, though not regularly collected, or recorded. The following extract from his Letter places this fact in a clear light :—

In anticipation of being called upon to state what amounts of interest I may have received from any of the parties, to whom I have advanced moneys from time to time, from the College funds, I can, upon my solemn oath, declare that I have kept no memorandum of the transactions. In almost all the instances, the interest was never charged until the final settlement, when the security was

given, and it was not then paid, but added to the sums that had been advanced, and thus included in the settlement; but, even if I had once kept such memorandums, they would not be now forthcoming; for when the rebel Makenzie, with his party, had possession of the adjoining lot to Davenport, during the outbreak in December, 1837, and threatened to take possession of that also, and make me prisoner, I hastily destroyed a mass of papers, many of which, I now deeply regret the loss of "*

Colonel Wells very naturally anticipated that the College Council would call upon him to give some account of the interest, which he had derived from the University funds used by him in private speculations. The Commissioners have not, however, found that any charge on account of this interest, was ever made by the Council, against Colonel Wells; and although this Gentleman frankly informed the Council that many of the securities offered by him, represented both the principal, abstracted from the University funds, and the interest which had accrued therefrom, and which of course, should have been passed to his debit, as being properly a portion of the revenues of the Institution, yet no deduction was, on this account, made from the gross amounts in those cases in which these securities were received in transfer by the University, and passed to the credit of Colonel Wells, as so much in payment of his declared default in 1839.

It is impossible, to estimate correctly, the loss suffered by the University, from the manner in which the Council settled this account; but assuming that the funds were loaned out as fast as they became available, which is a legitimate inference from the Bursar's statements, the interest lost to the University was probably not less than £1,000.

Pernicious Results of the Absence of Strict Financial Supervision.

The facts above detailed, afford proof of the pernicious results of the absence of a strict public supervision over the proceedings of the Council, to whom was entrusted the control and management of the University endowment. The funds were allowed by the Council to lie unproductive, and provided the Bursar handed over his balance, when called upon to do so, the revenues of the Institution could not be said to have been decreased by the use, to which they were, in the interval, put by the Bursar. The majority of the Council were entirely ignorant of the footings of the Cash account; a fact not at all surprising, when it is remembered that the Bursar, himself, was ignorant of them. No Cash-Book was kept. A few small Books, usually carried by the Bursar, on his own person, contained the current fiscal records of the University. The Council met, as a matter of form, from time to time, to approve of the acts of their chief Officer, who left entirely to his own guidance, discharged the various and onerous duties of his Office, with general satisfaction to those, who had transactions with the University, and might, under other and better direction, have acquitted himself with credit and advantage.

The errors of Colonel Wells' Bursarship are not so much chargeable against himself as they are attributable to the defective administration of his superiors. Colonel Wells was not, by profession, an accountant; and his appointment to the office in 1828 must have been decided on by the Council upon other considerations than those of his competency and experience.

The Commissioners have found, among the Account Books of the University, kept during this period, certain compilations, designated abstracts, in which periodical statements of the financial affairs of the Institution, from time to time, are set forth. The abstracts were apparently prepared for submission to the Council, as reliable expositions of the Cash transactions and of the Assets of the University. The Council may have regarded them as sufficient indications of the correctness of the Accounts; but commercial men consider intermediate statements of little service, unless corroborated by the test of annual, or periodic, balances. The check by periodic balances was, however, no part of the University system of accounts, either in the period of Colonel Wells' Bursarship, or subsequently; nor, indeed, could it be, for when accounts are kept by single entry, and that too, of an anomalous and complicated character, the construction of a balance-sheet is out of the question. Double entry, with regular periodic balances, is designed for the prevention and detection of errors: single entry, though not intended for the concealment of errors, or fraud, may, nevertheless, serve this purpose.

Management of the University Finances during the Two Periods Contrasted.

The Commissioners must remark, in closing their brief review of this period of the general management of the University Endowment, that, with the exception of the unfortunate derangement of the Cash transactions referred to, and the perpetration of a number of fraudulent acts by a Clerk in the Bursar's Office,† they have found the Accounts, in the main, less confused than those of the second period; a circumstance, which may be attributed to several reasons, among which may be mentioned, the limited range of business transactions, in the first period, as compared with those of the second; the greater uniformity of action of the original Council, and the devolving of the fiscal management almost exclusively upon the Bursar; the exemption of the

* This Letter will be found on page 193 of the Third Volume of this Documentary History.

† This case is reported on page 202 of the Fifth Volume of this Documentary History.

Bursar, from those frequent calls, which, in the second period, were made for information on a great variety of subjects of an intricate nature, and which required much time for their preparation, though they were often of little practical value when obtained, and certainly caused much confusion in the Bursar's Office, and suspended other more important labours ; and lastly, the impossibility of keeping, with clearness and simplicity, under the established system of single-entry, a large number of new accounts, having inter-relations unknown in those of the first period, and, consequently, being still more unsuited to a defective system of book-keeping.

SECOND PERIOD : FROM 1839 TO THE END OF THE INQUIRY IN 1851, 2.

The first period of the Inquiry on the part of the Commissioners closed with the retirement of Lieutenant Colonel Wells, as first Bursar of the University, who had held office from 1828 until 1839. He was succeeded by Doctor Henry Boys. The following summary statement of his management of the Finances of the University forms the second period of the Inquiry of the Commissioners; but I have only selected the more salient parts of the Commissioners' Report, which deal with the numerous violations of ordinary business principles in the management of an important public financial trust. The Commissioners proceed as follows :—

The general management of the University Affairs, in the second period of the Inquiry of the Commissioners, or (part of) that intervening between the close of Colonel Wells' Bursarship and the coming into operation of the present University Act of 1849, 12th Victoria, Chapter 82,* is a subject, the discussion of which presents numerous difficulties, and requires an extended acquaintance with the fiscal and other Records of the Institution.

In the anterior period, even after the changes in the composition and number of the Council effected by the University Charter Amendment Act of 1837, 7th William IV. Chapter 16, amending the original Charter,† there had prevailed a concurrence of opinion and action, which gave to the proceedings of the King's College Council, the appearance of a uniformity and consistency ; but, in the present one, the Council, so far as may be inferred from the Minutes of their proceedings, appear to have been guided by no fixed principles of corporate economy.

The original Council had laid the foundation of a defective and unwise administration, which continued to obscure and confuse the affairs of the Institution.

THE CRISIS OF 1839 IN THE FINANCIAL MANAGEMENT OF THE UNIVERSITY.

The returns made by the King's College Council, in conformity with an address of the House of Assembly, in March, 1839, excited the surprise of His Excellency, Sir George Arthur, the Chancellor, who, at a meeting of the Council, held on 20th April, 1839, took occasion to say, among other things,

" That on looking over the abstracts of the receipts and expenditure of King's College and Upper Canada College, furnished to him, that they might be laid before the House of Assembly, in compliance with their Address, he was much surprised by the outlay."

Three Members of the Council were appointed a Committee to investigate the affairs of the University. The result of this investigation was the discovery that out of £82,729-17s. 5d. of Cash received by the Bursar, £54,925-19s. 8d. had been expended ; the only available funds of the Trusts being then £10,000 in Government Debentures, and £250 in Bank stock, the remaining part being in the hands of two Officers of the Institution.‡

In the preceding year, 1838, the Council had advertized, " in twenty-nine newspapers of the two Provinces," for tenders for the erection of the University Buildings, according to certain plans and specifications decided upon. They had, in May, 1837, engaged an Architect at a salary of £200 per annum. The tenders were opened in February, 1839, the lowest for the entire Buildings, by Mr. John Richey, being £49,294. The project, however, of proceeding with the Buildings was suddenly and quite unexpectedly, upset by the proceedings of the Council, at the Meeting held on 20th April, already referred to, at which His Excellency the Chancellor presided ; the decision of the Meeting being,

*This Act will be found in a subsequent Chapter of this Volume.

†This Amendment Act is printed on pages 88, 89 of the Third Volume of this Documentary History.

‡The circumstance here referred to, and the proceedings of King's College Council thereon, are detailed on pages 187-189 of the Third Volume of this Documentary History.

That the annual expenses should be reduced, and that it was not advisable to commence the Buildings of the University; and further, that notice be given to Thomas Young, Esquire, that his services, as Architect, will no be required, and that his salary will be discontinued after 1st July next.*

University Financial details during this Second Period, beginning with 1839.

The serious embarrassments under which King's College Council proceeded in their administration, at the commencement of the second period must be apparent. The Report of Mr. Patrick, of July 8th, 1839, already referred to showed that £ 56,047. 6s. 10d. of the Cash received by the University had been "from Sales of Lands;" and that only 128,816 acres of Endowment remained unsold,—(in reality, only 125,839¼ acres).

The Council had expended £34,409. 15s. 2d. of the University funds in supporting Upper Canada College; a debt then considered very doubtful, subsequently much increased, and now, by an Act of Parliament (in 1849,) cancelled.

Of purchase moneys not yet due, there appeared to be £33,495 2s. 3d. and interest, (to accrue,) thereon, £7,764. 6s. 3d.—Of purchase moneys overdue, £14,955. 14s. 8d. and interest thereon, £6,018. 17s. 6d.—These prospective assets, added to the items before mentioned, videlicet, Government Debentures, Bank Stock, balance of loan due by the President, and balance appearing due by the Bursar, say, £27,803. 17s. 9d., made a Capital of £90,077. 18s. 5d. exclusive of the value of the University Grounds, on which had been expended in purchase and improvements up to this time, £11,096 12s. 9d.†

It will be observed that the Assets of the University, including the Grounds, exceeded in amount the original, estimated value of entire Endowment, and might therefore, have been regarded by King's College Council as quite a sufficient Capital, on which to support an Institution of the extent and character primarily contemplated by the applicants for the Endowment, and by the Royal Donor. Besides, the revenue accruing from the above Capital, the University had a rent income of considerable amount, which, though materially decreased by the extensive sales from the Lands, might still have been kept up to a good figure by vigilent and prudent management of the University Lands yet unsold.

In 1842, the arrears of Rent were stated to be £15,515. 5s. 9d., and the annual amount of Rent £1,862.‡ The long established system of negligence, with which the rent-roll had been treated, continued to govern this portion of the University resources: a system, the fatal results of which are well attested by the fact, already noticed, of the imperilled state of nearly 50,000 acres of the Endowment, by some means discovered in 1847, perhaps in time to prevent the total loss of these lands.§

Prior to July, 1839, the sales of the University Lands had been pushed forward with vigour and persistency,—the annual average of sales being about 8,600 acres. The confusion in the University affairs, and the proceedings of the Council consequent upon the inquiry into the state of the Bursar's accounts in 1839, together with the active participation now, for the first time, taken by the Head of the Government in the proceedings of the Council, appear to have led to the suspension of sales. Between July, 1839, and January, 1840, only 100 acres were sold.‖

The Governor General's Active interest in the Affairs of King's College, 1840.

The year 1840 was remarkable, in the annals of the University, as the period in which the Governor General of Canada [afterwards Lord Sydenham], then residing in Toronto, took his seat at the Council Board as Chancellor of the University. His Excellency seems to have evinced a very lively interest in the affairs of the Institution; and the University Records contain several documents from His Excellency, in which some of the proceedings of the Council are animadverted on with much severity.¶

In this year (1840) the sales amounted to only 550 acres; in 1841, they reached 4,708 acres; in 1842, 8,010 acres; in 1843, 7,686½ acres; in 1844, 3,886; and in 1845, they came down to 2,445 acres. In 1844, much discussion appears to have taken place on the subject of the further alienation of the University lands; and a proposition was made by the Land and Building Committee, in a Report prepared by instructions of the Council, dated 1st. April, 1844.

*See pages 184, 186 and 189 of the Third Volume of this Documentary History.

†*Ibid*—page 192.

‡So stated on page 180 of the Fourth Volume of this History.

§See pages 75, 76 of the Seventh Volume of this History.

‖On the 28th of August, 1839 King's College Council passed an order to an effect, that the Sale of Lands belonging to the College by Agents be discontinued; see p. 199 of Volume Three of this History.

¶For particulars of these "proceedings", see pages 300, 301 of the Third Volume of this History.

That 100,000 acres shall be reserved as the present Endowment of the University, (of which those at present under lease shall form a part,) and that the Buildings, including the south west Wing and the Residences of the Professors, shall be commenced forthwith, and that the plans marked A. B. shall be recommended as the most expedient for the south-west Wing.

At this time, there remained unsold very little above 100,000. acres. The introduction of the words : " of which those at present under lease shall form a part, into the Report alluded to, would, therefore, seem to indicate a want of knowledge in the Committee as to the actual position of the Lands of the Institution. How the leased Lands which, according to the estimate of a Committee of the College Council, in March, 1842, amounted to 105,314½ acres, and, at the time now referred to, probably to 85,000 acres, could possibly be excluded from the 100,000 acres to be reserved, the Commissioners do not find explained ; the above proposition of the Land Committee was amended by the striking out of certain words, above noticed, and the annexing of the following appendage after the word "forthwith,": "and that the requisite sales of Lands for effecting these objects be resumed."

The Members of Council, constituting this Meeting, were the President, Vice-President, four University Professors, and the Principal of Upper Canada College.† Both the framers of the Report, and the supporters of the amendment, would seem to have been equally unintormed as to the amount of University Lands remaining unsold; otherwise, the former could not have introduced the qualifying terms as to the Lands under lease, nor the latter have struck them out, leaving the main proposition, as to the reserving of 100,000 acres, unchanged ; and concluding by the addition of a proposed altogether incompatible with the main proposition.

The sales, in virtual defiance of the Resolution referred to, (though in accordance with the rather curious termination,) were resumed, and proceeded with considerable celerity, until suspended by a Communication from the Chancellor, under date 26th February, 1845, His Excellency giving it as his opinion,

That no part of the Capital, or Endowment, should be applied to paying the current expenses of the University, which, in His Excellency's opinion, ought to be limited to its annual income.‡

This intervention of the Chancellor, in suspending sales, had been deemed necessary, in consequence of certain statements contained in a Memorial to His Excellency, from Professor Gwynne, dated in February, 1845, alleging that the expenditure of the of the University exceeded its income, and that the deficiency was made up from the proceeds of the land sales and other portions of the Capital of the Institution. (See Appendix to the Journals of the House of Assembly, 1846.)

The suspension of sales enjoined by the Chancellor was to continue, in the terms of His Excellency's Communication, "until the questions, raised by Professor Gwynne, can be finally adjusted." Whether the adjustment, here alluded to, was ever effected, the Commissioners are not aware, that the allegations of Professor Gwynne were based on fact, will now be rendered but too certain.§

The total annual expenditure of the University, throughout the second period of inquiry, has much exceeded its income ; on this account alone, a balance of over £19,000 must, in the last seven years, have been met by trenching on the Capital of the Institution.

Proceedings of King's College Council, in Regard to the sale of University Lands.

Regardless, however, of these considerations, and of the injunction of the Chancellor, the Council, as will be seen by the following Minute of proceedings, dated 9th May, 1846, once more resumed the sales of University Lands :—

Moved by the President, that the sale of the Lands of the endowment of the University and College be resumed.

Which motion, being seconded by the Vice-President, was put and carried.—Professor Gwynne dissenting. The Council, in accordance with the above Resolution, proceeded with the sales ; and, in this year,(1846,) disposed of 4,509 acres more of the Endowment. In 1847, 2,982 to acres were old ; and in 1848, 272 acres, being the last which have come under the notice of the Commissioners.

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* This proposal was in effect originally proposed by the Right Reverend Doctor Strachan in February, 1840. See page 300 of the Third Volume of this Documentary History. In February, 1844, the Question of the endowment of the University was referred to a Land Committee, and, on the 1st day of April, the Committee reported as referred to above.

† *i. e.* The Reverend Doctors Strachan, McCaul and Beaven, and Messieurs Potter, Croft, Gwynne and Barron.

‡ See page 200 of the Fifth Volume of this Documentary History.

§ For a summary of Doctor Gwynne's Memorial to the Chancellor of the University, see pages 205, 206 of the Fifth Volume of this History The opinion of the Visitors of the University on the substance of the Memorial as given on pages 211, 212 of the same Volume.

It will be remembered, that the residue, of the Endowment, includes the 50,000 acres which, in 1847, were discovered to have become imperilled by adverse possession ;* the occupants having held them so long without payment of rent, or other legal acknowledgement of the ownership of the University, that immediate legal steps for their reclamation became imperative. The profuse alienation of the saleable Lands by the Council, and their surprising inattention to the leased Lands which were not sought for by purchasers, but were allowed to be held without fee, or acknowledgement, from the foundation of the University, must be regarded as indicating a great want of rational principles of administration.

The course of policy, pursued by the College Council, in the department of Investments, was as irregular and unsettled as that followed in the sales branch. In disposing of the money capital of an Institution, the annual accruing revenues of which, were all required to meet the current expenditure, the obvious and most rational plan, would have been, to invest it only in property, or securities, yielding immediate, regular, and more profitable returns. The converting of the Cash, derived from the sales of University Lands, into property, or securities, not yielding such returns, rendered a yet further reduction of the money capital, for the purpose of meeting the expenditure, a matter of absolute necessity. Prospective speculation, even in property, which might at some distant future time, prove to have been very profitable, was not allowed, under such circumstances; much less, indeed, should the prices paid for the property be fixed by a prospective reference to value rather than by a prudent consideration of the present value.

Nature and Amount of the Investments of the University in 1839.

At the commencement of the second period of this Inquiry, (July, 1839,) the Council found existing only three investments ; one of £10,000 in Government Debentures, another of £250 in Bank Stock, and a third of £5,250 in promissory notes, of which a part had been redeemed on 19th of July, 1839,

It being reported that a balance of £8,064.11.8 was at the credit of King's College Council, it was

Resolved, That the Bursar do forthwith invest £7,000 of the funds of the Institution in the Debentures of this Province, bearing 6 *per centum per annum*, interest.

In the preceding month, June, the Council had declined accepting from Benjamin Thorne, Esquire, in payment of two notes of hand, past due, Gore Bank Stock. The Chancellor, Sir George Arthur, in reviewing the Minutes, prior to giving assent thereto, wrote the following marginal note on the face of them :—

In assenting to this Minute, I feel myself called on to notice the allusions it contains to "Notes of Hand" and "Bank Stock," in connection with the funds of the University, and to express, in my character of Chancellor, my decided disapprobation of every transaction involving a recourse to such securities.

Toronto, 1st July, 1839. George Arthur.

Another note, by the Bursar, is found connected with the above, as follows :—

The above note, made by the Lieutenant Governor, on the copy of the Minutes of the Meeting of Council, on 26th June, 1839, sent to him for approbation, was never pointed out to me, until this day ; of course it was not noticed in the copy of the Minutes for 1839, transmitted by me to Chief Secretary Murdoch, on 16th December, 1839, to be submitted to the Legislature.

Toronto, 12th February, 1840. H. Boys, Bursar.

The above details of facts are interesting, as indicating the opinion, at the time, held by the Council, on investments of the character referred to, and the careful attention given by the Chancellor to their proceedings, as well as his desire that the Council should not fail to learn his views on the subject under notice ; they are further interesting, as showing the manner in which the work in the College Office was sometimes performed.

Important Financial Principle as to Investments, as Stated by the Chancellor.

The University authorities had, in the Chancellor's note, the announcement by the Head of the Provincial Government, of a most important financial principle, the strict observance of which might, in course of time, prove highly advantageous to the interests of the Institution.

In December, 1840, the Council declined the purchase of the Law Society's Bonds, preferring to make their investments in Provincial Debentures. In May, 1841, the Council declined to loan "£50 to £200," to E. G. O'Brien, Esquire, stating that they would "not invest their money in any other security than the Debentures of the Province, at six *per centum* interest."

How long the practice of submitting a copy of the Minutes to the Chancellor was continued,

* See pages 75 and 76 of the Seventh Volume of this Documentary History.

the Commissioners are not aware ; neither can they judge whether, the same careful attention was given to their examination, by the successors of Sir George Arthur, which His Excellency, in 1839, bestowed upon them.* The opinion of the Council, on the subject of investments, seems to have undergone a very material change, not long after the date last mentioned.

Loans ; and Adjustment of the Late Bursar's and Other Accounts.

On 13th April, 1842, the Church Wardens of Saint James Cathedral, Toronto, applied for a loan of £4,000 on the security of the revenues of the Church. This application was favourably entertained ; and after certain precautionary inquiries as to the safety of the investment had been made, and the opinion of the Mr. Attorney General Draper thereon procured, the loan was carried into effect. On this occasion, the Council handed over to the Church Wardens, Provincial Debentures to the required amount.†

The Council, in adjusting Colonel Wells' account in 1839, received, as security, several parcels of landed property, some of which, in the course of a short time, fell into their absolute possession, as the Brantford property, taken in fee simple in 1844 ; Mr. R. Thornhill's land in Ashfield, taken in redemption of his house and lot in Toronto. In 1842, the Council accepted of 800 acres of land in Oro, Brooke, Mono and Flos, from the Messieurs Ridout, in discharge of a Bond of £500. In 1846, they took, in fee simple, certain property of Mr. John Radenhurst, which they had previously held under mortgage for a sum of £750, being the amount of four notes of hand which constituted a portion of the security held by the University for the loan to Doctor Strachan, the President. In these cases, there no doubt existed prudential and other considerations which appeared to the Council, to warrant the transactions. As a public trust, however, they certainly should have regarded the interests of the University as of paramount obligation.

Why the Council gradually departed from the principles laid down by them in the early part of the second period, the Commissioners cannot state. In February, 1845, they appear to have taken new views on the subject of investment of their money capital, as they instructed the Bursar,

To be on the watch for any eligible opportunity of vesting the moneyed capital of the University in landed property, or mortgages, and report thereon to the Council.

It was not very likely that the Council, after the fact becoming known, that they had money to dispose of, as above, would be long without applicants. From this time forward, their Minutes shew that they need not allow the Capital of the University to accumulate to any burthensome amount in their treasury, as there were quite a sufficient number of sellers of property, or borrowers of cash, ready to make operations with them. When, however, a public Institution assumes the position of a speculating establishment, nothing is more difficult than the avoidance of irregular, or exceptionable, transactions ; and the greatest vigilance is required, on the part of the chief managers to guard against the operation of unseen, or improper, influences. The entire Council could not, of course, be supposed to be competent to the direction and safe management of trading operations, the advantageous consummation of which requires, even in the case of private speculations, the greatest circumspection and business shrewdness.

Note.—The Commissioners then proceed to express their opinion on a number of purchases of property and other monetary transactions of the Council of King's College. The details of these purchases and transactions are not of public interest in connection with this History. They are all recorded in the Minutes of the College Council, and in the voluminous Report of the Commissioners. I only refer to them here to show that, in detail, they received the attention of the Commissioners.

Management of the Bursar's Office, Under Direction of the College Council.

The discipline maintained by the Council in the College Office, for the guidance of the Bursar and his subordinates, calls for notice from the Commissioners The management of the University Lands, including the effecting of sales, collection of purchase money and interest, the leasing of Lands, and collection of rents, and the renewal of expired leases, and the due notification of tenants in arrears, are duties of obvious importance, the proper discharge of which called for the careful supervision of the University authorities.

During the first period, or that of Colonel Wells' Bursarship, as has been already observed, little trouble seems to have been taken about these matters. The Bursar conducted the sale of Lands, and transacted the general business of the University, if not under the instructions, yet to the apparent satisfaction, of the Council.

It appears to have been a rule established in the College Office, in 1837, that no Deed should be issued, without having been submitted to the President for examination ; and this Officer

* It is shown in the Fourth Volume of this Documentary History, that Lord Sydenham also gave his personal attention to the proceedings of the College Council ; so did Lord Elgin during his term of office. See page 14 of this Chapter.

† See page 191 of the Fourth Volume of this History.

having examined and approved of the document, appended to it, his signature, as marking his approval. This was a very proper and necessary precaution ; and, provided the duty of examination and certifying by signature, was always carefully performed, and not disposed of, as a mere matter of form, it could not but tend to the advantage of all concerned.

From an examination of certain malpractices, which arose in the Office towards the end of the first period,—from 1828 to 1839—and attained to a very disreputable magnitude, in the subsequent period, it is very certain that the submission of all Deeds and Leases, to the most searching supervision of the Chief Officer of the Institution, or to some other disinterested and reliable Inspector, was called for.

On the 14th of June, 1839, the Council, from considerations not appearing, but no doubt sufficiently forcible, passed the following orders for the better regulation of the Land operations :—

Ordered, That the Bursar make a monthly report of all applications for Sales and Leases to the Council for their approbation, and authority to fix the Corporate Seal to the contracts.

And that a similar monthly Report be made of contracts in which the vendee has completed the conditions of payment, in order that a like authority may be given for the affixing the Corporate Seal to Deeds ;

And that the Corporate Seal be not affixed to any such instrument, without such authority, and that three Members of the Council be a quorum for receiving such reports, and giving the Bursar authority to use the Corporate Seal.

The Commissioners, though highly approving of the preceding additional precautions in the conducting of the land operations, must remark, that the provisions in the first and last clauses are incompatible.

The Commissioners do not apprehend that it was intended by the foregoing orders to dispense with the established supervision of the President, or the appending of his signature to Deeds and Leases, as on 9th of April 1840, the Council passed a Statute defining the duties of the President, and including in them, that of signing "all Deeds and Instruments to which the affixing of the College Seal shall have been authorized by the Council"; but the subsequent records of that Body show that this rule was departed from, and the practice was established by which Deeds were not required to be looked at, or marked, by the President, notwithstanding the requirements of the University Statute referred to.

The evil consequences of removing that check upon the working of the Land department, which the supervision of the President afforded, became manifest in time.

"Series of Scandalous Transactions" in the Bursar's Office in 1845

The investigation into the state of the Bursar's office, at the instance of Professor Gwynne, in the year 1845, as detailed in the evidence taken by the Committee of the Council, and in the Committee's Report thereon, exhibits a series of scandalous transactions which the Commissioners could hardly have believed could take place in any Public Office in Canada.*

A careful perusal of the evidence and report above alluded to, suffices to show the importance of the supervision of all Deeds and Leases, by the President, as provided for, in the third Statute of the University. It is probable that, to the want of attention to the provisions of this Statute by the Council, may be attributed the impunity with which, for a period of several years, a system of land-jobbing was pursued by Clerks in the Bursar's Office, which called for severe animadversion.

Impolicy of having imposed too many duties on the Bursar by the Council.

From the examination of particular cases, as well as from the general inquiry in which the Commissioners have been engaged, they have been strongly impressed with the great impolicy, if not absolute injustice, of imposing on the Bursar, so heavy a weight of duty as that devolved upon Doctor Boys, throughout almost the entire of his tenure of office. The Commissioners have no hesitation in attributing to this cause, nearly the whole of those irregularities of official conduct in the subordinates, placed under the Bursar, which appear so strikingly exemplified in one particular instance. The amount of work, required of Doctor Boys, was greater than could be efficiently performed by any one Public Officer. It is altogether impossible for those unacquainted with the general state of the University Records and Accounts, and the defective system of book-keeping which obtained in the University Office from the commencement, to form any adequate conception of the extent of this Gentleman's labours ; and it should not be forgotten that, however eminently qualified, he might have been, as an accountant, it was impossible for him, to introduce a proper system of book-keeping into the Office, in lieu of that which he

* See note † on page 202 of the Fifth Volume of this Documentary History.

found established. The very foundation for a set of double-entry books was wanted, and could be obtained only by a reconstruction of the entire antecedent work of the accounts, from 1828, on the same plan as that which the Commissioners have been obliged to pursue. Had Doctor Boys been a dishonest Officer, he could have secured a very great amount of Land under the confusion and obscurity of the defective system of accounts which he found rooted in his Office. That he has, not only, not availed himself of an opportunity, so tempting to men of a different character, but, on the contrary, has preserved his important trust uninjured amidst embarrassment and difficulties inconceivable, places his moral worth in the highest position.

Mismanagement during the First Period, in the Matter of Disbursements.

The management of the College Council, in the department of Disbursements, calls for the notice of the Commissioners.

The general summary of the Accounts, annexed, shows that, considering the short period, during which the University has been in practical operation, and the value of its present Assets, the actual decrease of the funds and property of the Trust, has been very great; whilst more than three-fifths of the original Endowment, consisting of the best and most available of the Lands, have been alienated.

The Commissioners do not, in this place, propose to enter upon a review of the whole of the disbursements. Allusion has already been made, under the head of Investments, to a few, which appeared to demand attention. Those on which, it is now proposed to offer some remarks, have more immediate reference to the University foundation, and the current expenditure of the Institution.

The large advances made from the University funds on account of Upper Canada College, the Commissioners here pass over without comment, as this portion of the disbursements will be best considered in the Report on the affairs of that Institution—The Commissioners cannot, however, but regret to find, that an educational establishment, so amply endowed by the Legislature and the Crown, as they find the Upper Canada College to have been, should have been permitted to trench so largely, on the resources of another, to the interests and progress of which it was intended to be contributive.

The Purchase of the University Site and Grounds a most valuable Investment.

The first disbursement, made by the College Council, for the benefit of the University foundation, was the purchase of the King's College Grounds, in the vicinity of York, and now within the City of Toronto, consisting of over 150 acres.

The entire cost of these Grounds, including the price of the land and expenditure thereon, down to the end of 1849, has been £14,860 18s., less the amounts received for pasturage, etcetera, £687 10s. 3d.; say, net £13,993 7s. 9d.; the average expense of management has been nearly £350, a year. The College Grounds are, perhaps, at present, the most beautiful public enclosure in British America. No investment, ever made by the University authorities, can be regarded, as equal to this, either in present, or prospective, value. This property may be regarded as a reliable and available asset of the University, which would, at any time, produce three, or four, times the total cost. In the event of the reduced state of the general Endowment, conjointly with the continuance of the present excess of expenditure over income, rendering necessary a further recourse to the fixed system of replenishing the funds by fresh sales of marketable property, the College grounds will be found well suited to the future wants of the University.

The Commissioners' Review of the Expenditure under the Head of "Charges."

The disbursements under the head of "Charges," during the first period, appear to have been £6,791 6s. 10d.—This amount includes £678 6s. 8d., paid to the Reverend Doctor Strachan, in compliance with instructions from the Colonial Secretary,

Being the moiety of his expense incurred on a journey to and from England, and eighteen months' detention there, at the instance of Secretary of State, whilst engaged in soliciting from His Majesty's Government, the Charter of King's College, and attending to the affairs of the Established Church

The remaining portion of the amount, say £6,112 6s. 8d., comprises chiefly the current expenditure of the University, for salaries of various Officers, and wages of Servants, being on the average about £531 10s. per annum—An additional amount of £1,068 appears under the head of King's College Office account. This sum represents the incidental expenditure for fuel, light, etcetera. Another amount of £694 8s. 6d., stands in the account of President's Salary, being the aggregate of that Officer's salary whilst it was allowed by the Council.

The Survey account, for the first period, amounts to £773 10s. 10d., being payment to various persons for measurement and inspection of Lands.

Under "Architectural Charges" appears a sum of £713 9s. 2d.; and under "Office Furniture," another of £71 2s. The only disbursement in the above, which can be considered to a certain extent as injudicious, is that of Architectural Charges, in which is included an item of £430. for a wooden model, sent out from London, as a miniature representation of the future University Buildings.*

The salary paid to the President, the Commissioners cannot regard in the same light, as the College Council, in 1839, seemed to have looked upon it. The duties of this Officer, if adequately discharged, certainly deserved compensation; and when it is considered that during the first period, say 12½ years, the Council sold no less than 97,699½ acres of their Lands, every Deed for which, required to be examined and signed by the President, prior to the affixing of the University Seal, the sum of £694. 8s. 9d. was surely no overpayment for this labour alone. This salary, (£250. sterling, per annum,) was ordered to be paid by a Despatch from the Colonial Secretary, as soon as the available funds of the University would warrant the appropriation: it was not charged until 1st January, 1837—The whole period during which it was received by the Bishop of Toronto as President was two years and a half.

The Survey account is another against which no objection can lie. Indeed it is to be regretted that the Council expended as little on the external management of the Lands. Had they retained permanently in their service one, or two, active and faithful Travelling Agents, who would have added to the duties of surveying and valuation, those of general and frequent inspection of the Lands, collection of outstanding rents, interest and purchase money, and the compilation of regular reports on the actual state of the Endowment, the University would have profited to an extent which can now be understood only by those, who have had the opportunity of scrutinizing the whole details of its Accounts and Records.

The disbursements of the University, during the first period, were, on the whole, leaving the Upper Canada College out of consideration, not extravagant; compared with those of a later date, they might indeed be said to have been very moderate.

Mismanagement during the Second Period, in the matter of Disbursements.

In the second period, the College Council seem to have abandoned the system which they had previously followed; and, as the chief error, in the past administration of the funds, had been the nurturing of Upper Canada College, at a heavy charge of the University Funds, the Council now set about directing their accumulating treasure into various other channels. In 1842, it was decided, that a portion of the Buildings, for which tenders had been taken in 1839, should be proceeded with. The result of this decision may be seen, in the footing of the "Building" account, where there appears an outlay of £13,895. 3s. 10d., being the original cost of the south-east wing, and of a quantity of materials intended for the south-west wing, at present on hand and unproductive. . . To the sum above mentioned, may be added £1,598.14s.9d. for repairs made since the erection of the Buildings, together with £1,413.3s.11d. paid to Mr. Thomas Young, as permanent Architect of the University: total, £16,907.2s.6d.

The expenditure incurred by the Council in fitting up the Parliament Buildings for the temporary accomodation of the University classes, appears to the Commissioners, to have been unnecessarily great. The Commissioners had some difficulty, from the discrepancies, which appeared in the University Accounts and Records, in discovering the true amount of this head of disbursement. . . .

The following is a summary of the expenditure, now under notice,—videlicet:—

For Parliament Buildings, repairs, alterations for University purposes, etcetera	£ 1,668	9	8
For fitting up Chapel in the same	770	13	9
For King's College furniture	249	1	5
For Outfit	2,142	19	4
Total expenditure (Currency)	£4,831	4	2

It has been alleged, that a part of the above expenditure should be regarded as not specially chargeable against the Parliament Building's temporary accomodation account; the whole, however, was incurred in preparing these Buildings, for University classes.

* * * * *

* See page 3 of this Volume.

Among the appropriations authorized by the 6th Statute of the King's College Council was one of £4,000, sterling, "for the purchase of Philosophical Apparatus, and other things necessary, as well for the Museum and Botanical Garden as for the general use of the different classes in arts and faculties.

The Bursar's answer to a question [proposed] exhibits, under the expenditure authorized by the above clause, an aggregate disbursement of £6,439.18s.2½d., embracing, by a singular rule of generalization, under the same head :—

The Chapel, Hall, Professors' Apartments, Lecture Rooms, Books, Philosophical Apparatus, etcetera ; and Kitchen Utensils, glass and earthenware, plates, knives and forks, and tinware.*

That the appropriation of £4,000 sterling, above referred to, was ever intended to cover such disbursements, as that for the Chapel, or for kitchen furniture, plate, etcetera, seems too absurd a conclusion to have been for a moment entertained. It is certain, too, that these disbursements could not be regarded as falling under the provision clause of the 6th Statute of the University. . . . . That of authorizing £18,000 to be expended on the erection of the two wings of the new Buildings ; indeed, had such been the intention of the Council, or of the framers of the Statute, the final results of the building operations would much have disappointed their expectations.

The Commissioners are decidedly of opinion that, of the expenditure included in the sum of £6,439.18s.2½d., the following items, alone, can be regarded, as having been duly authorized, videlict :—

Books	£ 1,384	5	11
Philosophical Apparatus	909	14	2
Surgical Instruments	103	18	9
Museum	295	13	9
Chemical Department	505	1	8
Advances for the purchase of Books and Apparatus	1,421	11	4
Total, (Currency,)	£4,620	5	7

The following extract from the "Report of the Committee of Finance," dated 15 March, 1842, shows, that the cost of the University Chapel was to be provided for, from a source quite different from the £4,000, sterling appropriation of the 6th Statute :—

In conclusion, the Committee beg to observe, that if the Royal grant in aid of the Building Fund (10½ years at £1,000 sterling, per annum, from the Canada Company) of the University be obtained, that sum, together with the £18,000 allowed for in the accompanying account-current, will be sufficient to defray the cost of the building of the two wings and of the Chapel.†

Under the head of "Steward's Department," the Commissioners have found disbursements, in the second period, amounting to, £1,417.2s.11d.—This expenditure comprises a variety of items, as wine, beer, oil, candles, flesh meat, and other articles of household use, much of which, under a more economical, and not less useful system of management, might probably have been very well dispensed with.

Under the head of "King's College Hospital," stands the sum of £1,145.16s.8d., being the amount of certain grants by the College Council, in consideration of the privilege, engaged by the medical students of the University, in attendance on the Hospital practice, during two years and one month, from 10th October, 1844, to 10th November, 1846.—A reference to the list of students attending the Medical classes of the University, in the years above mentioned, will show that, this appropriation of the University funds was very large. This expenditure would seem uncalled for. The University medical students should have been permitted to attend the Hospital on the same terms as the students from other Medical Schools ; that is, on their paying the usual Hospital fees.

The Survey account, for the second period, amounts to £1,118.12s.8d.—The Commissioners have already expressed their opinion on this head of administration. If the sum here shown was paid to efficient servants, it must be considered a judicious disbursement ; but there is no indication given, in the general condition of the Endowment and Accounts, of any steps having been taken by the Council, towards the collection of the heavy out-standing arrears due to the University, either through the agency of Surveyors and Valuators, or any other persons, whose appointed duties should have comprised this most important branch of service.

The advances of cash, on account of Upper Canada College, in the second period, fall much under the amount advanced for this Institution in the preceding period.—In the latter, as has

* In addition to various single questions proposed by the Commissioners to the Bursar, they asked him, in addition a series of twenty-seven consecutive questions relating to a variety of details of expenditure. Being confined to details of expenditure only, I have not inserted any of them in connection with this Report of the Commissioners. The questions, with the corresponding answers, extend to twenty printed pages, which will be found on page 214-234 of the Report of the University Commissioners, printed by order of the House of Assembly in 1852.

† The particulars of this Imperial Grant are given on pages 227, 228 of the Second Volume of this Documentary History.

been before stated, they amounted to £34,346.9s.5d. net; in the former, they were only £6,002.3s.2d. net—The difference is attributable to the increased receipts from sales of the Upper Canada College Lands, and revenue derived from property; but to a much greater extent, to the greatly improved management of the Institution; the previous system of bad administration, of collecting tuition fees, having been discontinued, and the collection and safe keeping of the College dues, having been entrusted to Officers rendered efficient and trustworthy by improved discipline.

Under the head of Salaries, in the general summary, the Commissioners have desired to comprise the whole of the University disbursements on account of the services of its various Officers, Professors, Scholars, Librarians, etcetera.

The aggregate of this Account, for the second period, is large beyond the anticipations of the Commissioners, and probably not less so, beyond the apprehension of the College Council, being £51,296.7s.11d., to which may be added, £953.19s.5d. from the account "Wages"; making a total of £52,250.7s.4d.—From this amount, must be deducted £156,2s.4d. for the Wellington Scholarship and the Strachan Prize, and £516.6s.1d. for various sums returned by Professors and others, at the end of 1849, to balance their accounts, overpaid at that time—A net amount of £51,577.18s.11d. thus appears to have been paid in the second period, to the various stipendiaries of the University; in which; it may be proper to state, is not included the payments to the Solicitor of the Institution, amounting to £1,914.6s.8d. net; nor the payments for law expenses, against which account, there appears a balance of £518.6s.2d.

The above amount of £51,577.18s.11d. covers the ordinary cost of management, under the head of Salaries, for the entire of the second period, together with the expenditure on the educational department, under the same head, from the opening of the University classes, in 1842, to the end of 1849.

The following are the net total payments under the same head, made to the Professors, including their respective proportions of fees, videlicet:—

	£	s.	d.
To President, Bishop Strachan, from dues and fees	26	17	9
To the Reverend Professor John McCaul	6,519	5	0
To the Reverend Professor James Beaven, exclusive of Commons	5,640	19	0
To Professor Richard Potter	1,050	8	0
To the Reverend Professor Robert Murray	3,047	14	10
To Professor William H. Blake	706	8	5
To Professor Skeffington Connor	154	13	4
To Professor Henry Holmes Croft	4,200	0	1
To Professor Henry Sullivan	2,792	6	5
To Professor William C. Gwynne	1,830	7	0
To Professor John King	1,861	4	5
To Professor William Beaumont	1,808	13	11
To Professor George Herrick	1,426	9	3
To Professor William B. Nichol	1,449	14	10
To Professor J. M. Hirchfelder	219	15	0
Total amount of payments to these Officers	£32,735	0	3

Payment of the Salary of the Chaplain, although Disallowed by the Chancellor.

In the details of payments to some of the Professors, as shown in the Private Ledgers, the Commissioners have observed some items which call for notice.—In the account of Doctor Beaven, various sums, amounting in all to £563.6s.8d., are entered to Credit as salary for his services as Chaplain to the University, at the rate of £100 per annum.—The first entry, under this head, appears under date, 30th June, 1846, and is given in the following terms:—

By salary for performing the duties of Chaplain, at the rate of £100 currency per annum, sanctioned by Minute of King's College Council, of the 24th of March, 1846. To commence from the first Thursday in October, 1843, (being the 5th of October, 1843,) 2 years to October, 1845, £200.

The first proposal, by the Council, of a salary to Doctor Beaven, as Chaplain, was made on 30th October, 1844, when, on the motion of Doctor Strachan, the President, seconded by Doctor McCaul, an allowance of £100 per annum from the commencement, was ordered to be paid to him, on account of his services in that capacity. This order of the Council was disallowed by the Chancellor, Lord Metcalfe. In the letter from Mr. J. M. Higginson, Private Secretary to His Excellency, dated the 8th of December, 1844.* No entry to the credit of Doctor Beaven, on account of services as Chaplain, appears to have been made, in accordance with the Council Minute of the 30th of October, 1844.

*See page 152 of the Fifth Volume of this Documentary History.

On 24th March, 1846, it was again proposed and seconded by the same Members of Council as on the 30th of October, 1844, that £100 per annum be paid to Doctor Beaven as salary for his services as Chaplain, since the commencement, deducting the first year : which motion was carried, Doctor King dissenting.

His Excellency, the Chancellor received the copy of the Council Minutes, containing the above order, on 28th. March, 1846 ; and on the day following, instructed his Private Secretary to address to the Council, a Letter, expressing his disallowance of the salary of £100 to Doctor Beaven, as Chaplain, and his concurrence in the opinion of the late Chancellor, Lord Metcalfe, as to the inexpediency of increasing Doctor Beaven's emoluments.*

Illegal Payment of the Disallowed Salary of the Chaplain of King's College.

Notwithstanding the disallowance of the Chaplain's salary by the Chancellor, as above referred to, the Commissioners have found the sum of £200 passed to his credit, on 30th June following ; and the next entry to his credit, on the same account, appears under the same date, (June the 30th, 1846,) and purports to be for "a half-year's salary, as Chaplain, to April, 1846, £50."—Thus an amount of £250 was carried to the credit of this Gentleman, notwithstanding the Chancellor's disapproval of the measure. From this date, (30th of June, 1846,) Doctor Beaven's account stands credited, quarterly, with £25, to the end of 1849 ; and no information, other than the primary explanatory note of the Bursar, introduced into the first entry on the 30th of June, 1846, is found on the face of the Account ; nor have the Commissioners observed in the Minutes of the Proceedings of Council, or any other records, down to the end of their investigation, any further orders, bearing upon the subject, or showing why the disallowance of the Chancellor was deemed unworthy of attention.

The whole period, for which Doctor Beaven has been paid, as Chaplain, appears to be five years and ten months ; or from 5th October, 1843, to 5th August, 1849. . . .

The Commissioners here enter into a number of calculations as to payments on this account made to Doctor Beaven and to Doctor McCaul, as recorded in the accounts,—some of which appear to be errors, so I omit this part of the Commissioners' Report, as not any further material.

Analysis of Payments of University Moneys as Part Salaries to Medical Professors.

The salaries, of Professors King and Beaumont, were each increased during two years, 1848 and 1849, by a grant of £55. 11s. 2d. per annum, as allowance for Clinical Lectures, delivered at the Toronto General Hospital. The funds of the University cannot be held, properly, applicable to Hospital purposes ; and, as the students, attending the Hospital, Clinical Lectures, did not belong exclusively to the University, and paid, to the Professors, regular fees for Clinical tickets, there does not appear any sufficient reason for the disbursement, now under notice ; when such grants are made, there should be every assurance, that the services, for which they are claimed, have been fully performed.

The salary of the late Medical Professor, Henry Sullivan, was increased by a subsidiary grant of £50 a year, for extra services, in 1847 and 1848. This Gentleman appears to have, for several years, pressed in vain, for a regular increase of salary. In 1843, his case was recommended to the consideration of the Council by His Excellency, the Chancellor. The proceedings of the Council, on Professor Sullivan's application, are very interesting, as exhibiting the absence of any fixed principle by which their general administration was guided. The following extract, from the Minutes of the Council, shows the views entertained by them, with reference to increased expenditure in this case. The following is the exact from the Minutes on this subject :—

At a Meeting of Council on the 27th of December, 1843, a Letter was read from J. M. Higginson, Esquire, Private Secretary of His Excellency, the Chancellor, transmitting a Memorial from Doctor Sullivan, for a re-consideration of his salary :

Whereupon, it was moved by Doctor McCaul, that the Council, having taken into consideration the memorial of Henry Sullivan, Esquire, and the accompanying letter of Doctor Widmer, transmitted to them, by His Excellency, the Chancellor's Private Secretary, regret, they cannot accede to any augmentation of salary, as they do not perceive any adequate reason for altering the provisions of the Statute, recently passed, or adding to the expenses of the University, which, even at present, time, seem to be overburthened.

*This letter is printed on page 117 of the Sixth Volume of this Documentary History.

PROTEST OF THE PRESIDENT AS TO SALARIES.—HOW IT WAS AFTERWARDS DISREGARDED.

The opinion expressed by the Vice-President, in the foregoing Resolution, and sustained by the Council, as the impropriety of increasing the "already overburthened" expenditure of the University, was upon a subsequent occasion, confirmed by the President, the Lord Bishop, in a protest, which his Lordship found himself called on, to enter on the Minutes, on 1st April, 1844, against a recent order of the Council, by which an increase of salaries had been indirectly voted by the Professors, to themselves, by the substitution of sterling money for Halifax currency. The following extract from the above mentioned protest shows his Lordship's views, at that time, on the subject of increased expenditure :—

(*Dissentient,*) Because the said Minute is impracticable, or rather perhaps cannot be carried out without incurring debt, trenching on the Endowment, or impeding the measures in contemplation for increasing the efficiency of the University.*

On the 20th of July, 1848, the Council decided that in future no more protests should be entered on the Minutes. See page 239 of the Seventh Volume of this History.

The above argument of the President appears exceedingly forcible and pertinent ; and should have served the Council as a useful admonition against every sort of augmented expenditure.

Though the President and Vice-President had, in December, 1843, and April, 1844, so explicity avowed their disapproval of increased expenditure, yet, in October, 1844, the former moved, seconded by the latter, that an allowance of £100 a year be paid to the Reverend Professor Beaven, for his services as University Chaplain ; and that this allowance should be extended back to the commencement, in 1843. (See page 23 of this Chapter.)

The extra services, for which Professor Sullivan asked compensation, were rendered in the Dissecting Room, and in the Anatomical Museum ; and his entire time was devoted to professional labours. The Commissioners find that, Professor Sullivan's claims were not favourably entertained by the Council, until 1847, when a gratuity of £50 was voted to him for his extra services in the current medical session ; a second and last grant was made in 1848, of a like amount.

INDIRECT WAYS OF INCREASING EMOLUMENTS.—THE GENERAL QUESTION DISCUSSED.

Another indirect means of bestowing increased emolument on the Professors of the University, and which was subsequently extended to the Bursar, consisted in the privilege accorded by the Council, of obtaining free tuition for the sons of these Gentlemen in Upper Canada College. In July, 1848, the Council passed the following Resolution :—

Moved by Professor Gwynne, that in future, no allowance in lieu of salary, for duties performed, or to be performed, be made to Professors, or others, without the sanction of a Statute duly passed Which motion, being seconded by Solicitor General, Mr. W. H. Blake, was put and carried.

The amount paid to Students, thirty-three in number, for Scholarships, etcetera, has been £786. 15s., including the allowance to the Student officiating as Chapel Clerk. This sum, considering the limited extent, to which the educational services of the University, have yet attained, is respectable, and shows that the University offers to the youth of the Country, pecuniary attractions, which must operate advantageously to its popularity. No doubt, due care will be taken, that this salutary provision be extended, so. as to meet the increased demands of the Institution, when the classes shall have attained greater numerical strength.

The Salaries paid to twelve College Officers and Servants, of subordinate rank, and employed at various times during the second period, have amounted to £2,599. 3s. 3d. The Commis-

*This extract is "number four" of an extended "Protest" of the President of King's College, entered on the Minutes of Council, and dated the 1st of April, 1844. See pages 138, 139, of the Fifth Volume of this Documentary History.

This Protest of the President of King's College against the charge in the amounts, as payments made to the Professors, as salaries, called forth strong protests from three of the Professors concerned. The proceedings of the Council in regard to these protests, and my note on the subject, as printed on page 141 of the Fifth Volume of this Documentary History, are as follows :—

April 24th, 1844. The Reverend Doctor Beaven and Professors William C. Gwynne and Henry H. Croft obtained leave to enter on the Minutes of the Council objections to the Statements contained in the Protest of the 1st of April, 1844, of the Right Reverend the President of King's College University, against the Minute adopted on the 27th of March, 1844, by the Council, on the subject of Professor's Salaries.

NOTE. These Protests are very elaborate documents, and, while they do not defend the principle of the right of the Professors to increase their own Salaries, yet they give an elaborate explanation of the reasons why the writers supported the Minute of the Council dealing with the simple question (as they maintained,) as to whether the Salaries should be paid at the rate of sterling exchange, as interpreted by the Solicitor of the Council. It will be noticed that the censure of the Chancellor on the action of the Professors is very clear and distinct as against them. (The protests occupy four closely written pages of the College Minute Book, but it is unnecessary to reproduce them here.—J. G. H.)

sioners are not competent to judge to what extent this branch of the University service requires to be carried. It is, however, to be remarked, that the above sum does not cover the whole disbursements in payment of Servants. From the account of Wages, and the Report of the Dean, (Doctor Beaven), furnished in September, 1848, it will be observed that wages and clothing for Servants amount, annually, to a considerable sum.

Other heads of disbursement will be noticed in the review of the Ledger Accounts, in another place. The foregoing have been, here alluded to, in connexion with the subject of general management, as affording occasion for some remarks illustrative of the system of administration, pursued by the Council at various times, and suggesting those restraints, or changes of fiscal policy, which the interests of the University, and the present unsatisfactory condition of its endowment and finances, certainly call for.

The foregoing closes the Report of the Commissioners on the administration of the affairs of the University during the "Second Period" beginning in 1839,—at the close of the term of office of Colonel Wells, as Bursar.

A SET OF ACCOUNT BOOKS INDISPENSIBLE, SO AS TO ARRIVE AT CORRECT RESULTS.

In dealing practically with the Inquiry into the financial affairs of the University, the Commissioners found that they could do nothing with the few, and most unsatisfactory, Account Books in use by Bursar Wells, as already explained. They, therefore, decided, as stated in a former part of their Report, that:—

An entire new set of account books, framed upon correct commercial principles, was considered by them as indispensable, alike for the purposes of their investigation and the future service of the University. The work to be performed was not a mere examination of, or report on, existing accounts, but the actual formation of them; and this undertaking, so far from being made more easy by the aid of the accounts found in the books and papers placed at their command, was but rendered the more formidable and intricate by the imperfections and irregularities which were, from time to time, discovered to abound in them. It would have been a simple and unperplexing task to have made up a proper set of accounts, from correct day books, in which all transactions, requiring fiscal record, had been duly and regularly entered, coincidently with the occurrances; but the Commissioners sought in vain among the University books for these elementary financial records.

In consequence of observing this defect at an early period of their investigation, the Commissioners addressed a formal communication to the Bursar, Doctor Boys, who succeeded Colonel Wells, with a view of ascertaining the facts of the case. The replies of Doctor Boys shewed that the Account Books desired could not be found.

(NOTE. The Commissioners' detail, on pages 11-13 of this Chapter, the many difficulties which they experienced in arriving at any satisfactory basis, on which to place the University Accounts, as a starting point of certainty.

J. G. H.)

CHAPTER II

SPECIFIC INFORMATION OBTAINED FROM THE PROFESSORS BY QUESTIONS FROM THE UNIVERSITY COMMISSIONERS OF INQUIRY.

In order to obtain specific and authentic information from the chief Officers of the University, the Commissioners addressed, in August, 1848, a series of ten questions to the President, and to the three Professors, as well as to the Principal of Upper Canada College. The answers given by these Gentlemen are embodied in this Chapter. A large number of details on minor matters have, however, been omitted from the voluminous replies of Professor W. C. Gwynne, as noted in several places, chiefly in his answer to the fifth question proposed to him by the Commissioners. From these replies, they were able, in many cases, to satisfy themselves as to their own statements and conclusions. These replies also fully justified the necessity and expediency of subjecting the Accounts and proceedings of the Council, and especially those of the First Bursar, from 1828 to 1839, to the most rigid scrutiny, which they underwent at the hands of the Commissioners.

The following are the Questions proposed by the Commissioners. They practically include a history in brief, of the University,—its endowment and management, up to the time of the Inquiry of the Commissioners :—

1.—*First*—At what time and by whom was application first made to the Imperial Government, for a grant of Land for the purpose of endowing a University ?

2.—*Second*, What quantity of Land was, in the first instance, appropriated ; and at what time ?

3—*Third*—Are the Lands, which were first appropriated, those which have since constituted the property of the University ; or if not, when were the Lands first appropriated, reinvested in the Crown, and in what manner ; and on what conditions, were they so reinvested ?

4—*Fourth* At what time, did you become a Member of the College Council, and in what state did you find, then, the management of the University endowment ?

5—*Fifth*. Did you suggest any change in the management ; if so, has that change been carried into effect ?

6—*Sixth*. Can you state whether the College Council had any, and if any, what distinct object, or purpose, in view, in appropriating the proceeds, from time to time, as the sales of the lands progressed ; and have the proceeds always been so applied, or how have the same been applied ?—

7—*Seventh*. Has the interest paid on arrears of purchases, or on securities, been held applicable to any particular purpose, or object ; and, if so, to what purpose, or object ? and has the same been so applied ?

8.—*Eighth*.—Have the monies arising from Sales of Lands, and from payments of interest and rents, been kept distinct, so as to shew clear and distinct accounts of each ; or have the whole payments been amalgamated, and have the charges and expenses of the University been paid from this fund ?

9—*Ninth*—What course would you recommend to be pursued with reference to the University Lands yet remaining undisposed of ? Is it your opinion, that it is not advisable to sell ; or would you recommend future sales of the Lands to be made for the purpose of investment in Debentures, Stocks, or other Securities from which to raise an income ?

10—*Tenth*—In what manner do you think the rents of the Lands should be determined ? according to a money valuation, or valuation in kind ?

I. ANSWERS OF THE REVEREND JOHN McCAUL, TO THESE QUESTIONS.

*Qy. When was the First application made for an Imperial Grant?**

1. *Ans.* By the Legislative Council and House of Assembly, in 1797.—

Qy. What quantity, and at what time was the grant, of Lands, made?

2. *Ans.* The quantity of land appropriated for Grammar Schools and for a University in 1798, was about five hundred thousand acres, (500,000) at that time, as appears from a Pamphlet entitled: "Proceedings had in the Legislature of Upper Canada, during the years 1831, 1832, and 1833, on the subject of Lands, etcetera, printed by order of the House of Assembly, Toronto, 1837." It was intended, that there should be four Grammar School, and that the portion for the University should be, at least, equal to that for these Schools.

Qy. What Lands now form the present University Endowment?

3. *Ans.* In the year 1825, Sir Peregrine Maitland, with a view to the speedy establishment and efficiency of a University, recommended an exchange of that portion of the Crown Reserves, which then remained to the Government, for an equal quantity of the lands appropriated in 1798. In 1827, Lord Bathurst, the Colonial Secretary, authorized this exchange; and King's College was accordingly endowed, in 1828, with these Crown Reserves, said to amount to two hundred and twenty-five thousand, nine hundred and forty-four (225,944) acres, but in reality only containing two hundred and twenty-three thousand, five hundred and thirty-eight and three quarters of an acre, (223,538¾).

Qy. When were you first a Member of the Council? In what state was the Management then?

4. *Ans.* In January, 1839; soon after my becoming a Member of the Council, (in April, 1839), a Committee of Inquiry was appointed by the Council: and full information regarding the financial affairs of the University, and the management of its Endowment, is to be found in the Reports of the Committee, and the Minutes of the Council, during that year.†

Qy. Did you suggest a change? If so, was it adopted?

5. *Ans.* Yes, many. Both during the existence of the Committee, and since that time. The majority, I think, have been carried into effect.

Qy. Had the Council any distinct object in view in its appropriations? Give particulars.

6. *Ans.* The object, as originally contemplated, seems to have been to erect the University Buildings from the grant of £1,000 sterling per annum, from the payments of the Canada Company for sixteen years; to provide such outfit, etcetera, as might be necessary for the establishment, from a portion of the proceeds of the sales, and to secure an annual income, for the maintenance of the Institution, from the interest on the residue of the purchase money, and from rents, etcetera. But it was soon found necessary to abandon this plan. Before two years had elapsed, the University funds were charged with the expense of building the Upper Canada College, and the support of that Institution; and the payment of the grant of one thousand pounds, per annum, for erecting the University was stopped before the close of the fifth year. During the administration of Sir John Colborne, the establishment of the University was indefinitely postponed; and the Council, during that period, appear to have had no other object in view, than providing the necessary funds for maintaining Upper Canada College, and investing the balance, with a view to the University being put in operation, at some future time. In 1837, soon after the passing of the Act, amending the Charter, preparations were made for carrying that Act into effect; and the plan then proposed, was, to meet the expenses of the Buildings and outfit by such capital as was then available, and by a loan from capital, to be paid from the proceeds of sales; whilst the annual income was to be provided from the interest on instalments, due from Rents, and from the interest on the debt of the Upper Canada College.

In 1842, previously to laying the foundation of the University Buildings, a strict investigation was made into the Financial affairs of the University, and a Report was drawn up, shewing the practicability of meeting the expenditure for building, outfit, and maintaining the establishment, by borrowing from capital, and repaying the loan, so as to extinguish it in 1865. This Report was approved and adopted, with the qualification, however, that as the sum to be spent on buildings should be regarded as capital invested, it was not necessary to provide for its being repaid, and, therefore, the allowance for the support of the University might even, in one or two years, be augmented much beyond the limit assumed in that Report, without any detriment to the Institution.‡ Although the calculations in this Report were evidently intended to regulate future operations, yet the principles adopted in it, have not been carried out. The temporary, (or *ex-officio*,) Members of the Council, influenced probably, by the expectation of

* For convenience, I have condensed each question, rather than repeat it in full before each answer.

† See pages 198,199 of the Third Volume of this Documentary History.

‡ For this Report and proceedings thereon by the College Council, see pages 176-189 of the Fourth Volume of this History.

being superseded on the appointment of the Professors, left this duty to their successors, as peculiarly belonging to them. During a period of about six months, in 1843, there were no meetings of Council, and when this Board, (or Council), was re-organized, the new Members had scarcely become acquainted with the circumstances of the Institution, when a measure was introduced into the Legislature for remodelling the whole establishment. From that period up to the present time, action has been impeded in this, as in other important matters, by the constant expectation of extensive changes being made in the constitution and management of the University.

Qy. How has the interest derived from securities been applied?

7. *Ans.* I am not aware, that it has been held applicable to any other object, than the current expenses.

Qy. Have the receipts from various sources been accounted for separately?

8. *Ans.* They have been kept distinct, so that the amount of each, for any period, can be ascertained. It would, however, in my judgement, be better if both the receipts and payments on account of capital and income, could be more clearly and easily distinguished. This was the opinion of the Council also; for, in a Report, which they adopted in June seventeenth, 1845, it was recommended that:

The Bursar shall submit, with his usual quarterly returns, a balance sheet, shewing the Receipts and Expenditures on account of Capital and Income, distinctly separated. For Capital, he shall take as receipts, the proceeds attested of Lands sold; and as Disbursements, all payments of investments for Buildings, for outfit, and such other expenditure as is usually borne by capital. For Income, he shall take as receipts, all rents, interests, dues and fees attested, grants made, and miscellaneous items not before mentioned; and as Disbursements, the expense of Management, and the Salaries and Contingencies of the University and College. If it should happen, that one of these services requires aid from the funds of the other, such circumstances shall be particularly noticed, and the service so borrowing shall be debited with the loan, and charged, with interest thereon.

The whole payments have not been amalgamated, but the charges and expenses of the University have been paid from the whole sum attested. The total amount, however, of the current expenses of the University, does not equal the total amount of income received.

Q. What would you recommend as to the Sale of the University Endowment Lands?

9. *Ans.* I was formerly of opinion, that it would be advantageous to retain a considerable portion of the Lands, as a perpetual endowment, but on examination of the subject in 1845, I found reason to modify this opinion. I now, think, that the suggestions, which I then made, point out a preferable course; videlicet:

First—That the sale of land shall be continued until all the present Endowment shall have been disposed of, except such lots as may be advantageously kept under lease.

Second—That, with the object of producing an income, the attested proceeds of such sales shall be invested in Debentures, and profitable estates, except a small portion, which shall be applied to the purchase of wild lands in favourable localities. Of these modes of investing the proceeds of sales, the first two have been already adopted, but a considerable amount of the sum at present funded in Debentures, might, in my judgement, be more beneficially laid out in profitable estates. To the third mode of investment, some objections may justly be raised; but in balancing the arguments for and against it, the former, I think, outweigh the latter.

Qy. In what way should the rents of the University Lands be determined?

10. *Ans.* Rent according to valuation in kind, (whereby I mean a fixed quantity,) not a fixed proportion of produce convertible at average prices, is, in my opinion, more equitable; but the applicability of this principle to the leased lands of the University is very limited.

TORONTO, September 20th, 1848. JOHN MCCAUL.

II. ANSWERS TO THE COMMISSIONERS' QUESTIONS BY THE REVEREND DOCTOR BEAVEN:—

Qy. When was the first application made for an Imperial grant?

1. *Ans.* Application was first made to the Imperial Government, for a grant of land for the purpose of endowing a University in the year 1797. The application was made by the Legislative Council and House of Assembly, in a joint Address.

Qy. What quantity, and at what time was the grant of land, made?

2. *Ans.* By direction of the Imperial Government, a Report was made by the Executive Council, Judges and Law Officers of the Crown, recommending a grant of five hundred thousand (500,000) acres for Grammar Schools and a University, conjointly; and that the portion assigned for the support of the University should be equal to that assigned for the Grammar Schools.

In accordance with this Report, and, (as appears from the Deed of Endowment of King's College,) in obedience to an order of His Majesty, King George the Third, an appropriation was made, in 1798, of five hundred and fifty thousand, two hundred and seventy-four (550,274)— acres for Grammar Schools and a University conjointly, according to the Report upon which this order was based, the quantity apportioned to the University would be two hundred and seventy-five thousand, one hundred and thirty-seven (275,137) acres, but I have no means of ascertaining the facts more exactly.

Qy. What Lands now form the present University Endowment?

3. *Ans.* The Lands, which were first appropriated, are not those which have since constituted the property of the University. In 1828, in obedience to the directions of the Imperial Government, two hundred and twenty-five thousand, nine hundred and forty-four (225,944)— acres were resumed by the Crown, by the Deed of Endowment of King's College, issued by the Governor General [? Lieutenant Governor], under The Great Seal of the Province. I do not know that any conditions were attached to this resumption ; but, by the same deed, an equal quantity of Crown Lands, then under lease, were granted to the University of King's College, established by Royal Patent in the previous year ; and I understand, that the lands resumed were those of the most inferior quality. The proportion, therefore, left for the Schools was superior in quality and in quantity, to that to which they were previously entitled.*

Qy. When were you first a Member of the Council?—In what state was the management then?

4. *Ans.* It is a legal question. When I first became a Member of the College Council, I was summoned to attend its Meetings in October of the year 1843. I think the system by which the University Endowment was then managed, was, on the whole, well considered and adapted to the circumstances of the Country.

Qy. Did you suggest a change of management? If so, was it adopted?

5. *Ans.* I was not sufficiently acquainted with the circumstances at that time, to suggest any change. I apprehend, the question does not refer to any subsequent suggestions.

Qy. Had the Council any distinct object in view on its appropriations? give particulars.

6. *Ans.* Judging from circumstances, I apprehend, that the College Council appears to have had in view ;

First—To render the University as extensive and as efficient as possible, in order, that it might take a high station, as compared with other similar Institutions, and thus conduce to the prosperity of the Province ;

Second, To make it an ornament to the City and Province ;

Third, so far as was consistent with these objects, to increase the permanent value of the property by change of investment, or otherwise.

The proceeds of sales have accordingly been applied to all these objects, with as much consistency as could be expected in a Body, some of whose Members filled offices, which prevented them from attending, except occasionally, and all of whom, from the great difference in their previous habits of life, were likely to entertain very different views on those subjects. It is likewise to be observed, that political circumstances have greatly impeded the harmonious working of the Council.

To specify the particular instances, in which those views have not been consistently carried out, would require a more minute examination of the records of the Council, than I can afford, consistently with attention to more imperative duties.

Qy. How has the interest derived from securities been applied?

7. *Ans.* The interest paid on arrears of purchases, or on securities, has not, so far as I know, been held exclusively applicable to any particular purpose, or object.

Qy. Have receipts from various sources been accounted for separately?

8. *Ans.* The account of monies arising from sales of lands and from payments of interest and rents have been kept separately, so as to shew clear and distinct accounts of both ; but the monies themselves have gone into a common fund, from which the charges and expenses of the University have been paid. But I apprehend, it will be found, that the whole expenditure, from the beginning, (except what may be called re-investment of capital,) has not equalled the whole income ; much of the income having been converted into capital.

Qy. What would you recommend as to the sale of the Endowment Lands?

9. *Ans.* I am of opinion, that the sales of University Lands should proceed, because, in the judgement of competent persons, the proceeds have already been made to produce, more than the Lands themselves would have produced, if they had remained unsold ; and that such will

*The details of the exchange of Lands, here spoken of, are given on page 205 of the First Volume of this Documentary History.

continue to be the case, under judicious management; because it appears historically, that such a course was pursued by Endowed Corporations in England, at a period of History corresponding to that in which we now stand in this Country; and because I do not think that, otherwise, a sufficient income can be provided to place the University upon the footing, upon which it ought to be placed; and I think, that the better all the departments are sustained in efficiency, the earlier, and the more abundant will be the additional income derived from the Students.

(1) I should recommend, that the management and improvement of the Property of the University, should be placed in the hands of a competent person, not confined to the work of the Bursar's Office, but enabled to visit the different localities, as he might think advisable, that his action should be regulated by a small Committee; and that, under his advice, and, by his agency, the University should manage and improve its property, upon the same principles upon which well-judging individuals manage and improve theirs.

(2) I would recommend, that a limit should be fixed by Statute of the University, below which, the landed property of the University should not descend; and that, for this purpose, wild lands, lying within certain limits, should, from time to time, be purchased, when favourable opportunities offer—But I think one hundred thousand—(100,000)—acres (an amount I formerly proposed,) is an amount unnecessarily high.

Qy. In what way should the Rents of University Lands be determined?

10. *Ans.*—I can scarcely venture an absolute opinion, not being sufficiently acquainted with the state of things in the Country. But, having spent all my previous life in Country districts in England, and having frequently heard discussions on the subject between practical persons, my impression is, that a valuation in kind, is on the whole, in a Country like England, fairest for both parties, and gives most satisfaction to the Tenant. On the Duke of Sutherland's estates, in Staffordshire, the best managed that I have been acquainted with, the valuation is fixed annually, on an average of the three previous years. But whether prices are sufficiently steady in Canada, to render such a course equitable; whether it would be easy to fix on the kind of produce from which the average should be taken; and whether there is any machinery by which an average could be obtained in this Country; as well as how far such a plan would be applicable to wild lands, I have no means of judging.

JAMES BEAVEN.

TORONTO, September, 1848.

III. PROFESSOR HENRY H. CROFT'S ANSWERS TO THE QUESTIONS.

Qy. When was the first application made for an Imperial Grant?

1. *Ans.*—My information, on this subject, is only derived from general and public sources. I believe the first application for a grant, for the purpose of endowing a University, was made in the year 1797, by the Parliament of Upper Canada, to the Imperial Government.

Qy. What quantity, and at what time, was the Grant, of Land, made?

2. *Ans.* From the same sources, I have learned, that in 1798, an appropriation of five hundred thousand (500,000)—acres was made for the purpose of endowing Grammar Schools and a University.

Qy. What Lands now form the present University Endowment?

3. *Ans.*—The Deed of Endowment, under which the Lands at present held by the University, were granted, was executed in 1828; but, I believe, it does not convey the Lands originally appropriated, but that these, having been found unmarketable, and, therefore, not immediately available for the purposes proposed, a portion of Crown Reserves, more immediately available, and amounting to about two hundred and twenty-five thousand (225,000)—acres was substituted. I presume the Lands originally appropriated were re-invested in the Crown, at the date of the substitution. I do not know the conditions on which the original appropriation was so re-invested.* I may mention, however, as a matter falling within my own knowledge, that at several times, portions of the Lands contained in the Deed of Endowment, having been inadvertently conveyed by the Crown to third parties; arrangements have been made with the College Council, by which other Lands belonging to the Crown have been given to King's College, in lieu of those so conveyed by mistake; and that, in some cases, the number of acres thus given to King's College, has exceeded those inadvertently taken from it.

Qy. 4. When were you first a Member of Council? In what state was the management then?

Qy. 5. Did you suggest a change? If so, was it adopted?

4 and 5. *Ans.* I first took my seat at the Council Board in October, 1843. With respect to the state of the University Endowment at that time, and to the previous and subsequent management of the Institution, I have respectfully to state, that, having perused the observa-

* See page 205 of the First Volume of this Documentary History.

tions made by my Colleague, Doctor Gwynne, in answer to these questions, and although a considerable portion of these observations is professedly made in support of a Memorial transmitted to the late Chancellor, to which Memorial I was not a party, yet as I cordially concurred with Doctor Gwynne, in the principles enunciated in that Memorial, and generally supported him in the Council, in the maintenance of these principles :* were I now to discuss the subject at such length as would be necessary for their elucidation, my observations would be almost a repetition of those made by Doctor Gwynne.

With the greatest deference to the Commissioners, and to save them the unnecessary trouble of perusing a second statement of the same facts ; I beg to refer them to Doctor Gwynne's answers to these questions recently placed before them, and here briefly to state my entire concurrence in the general view which he has there given of the management of the Institution.

In addition to Doctor Gwynne's observations, I would state, that my own attention was first directed to the circumstance, that we were using the capital to meet the current expenses of the Institution, in the month of December, 1843 ; when, on a Resolution being brought before the Council, for an increase of Doctor Sullivan's salary, the Vice-President, (Doctor McCaul,) intimated that it would be inexpedient to make any increase, inasmuch, as "the income seemed to be already overburdened ;" and subsequently, in March, 1844, my attention was again formally called to the subject, by the words of a protest by the President, (Doctor Strachan) respecting the salaries of Professors ; one of the clauses, being to the following effect :—

Because the said Minute is impracticable, or rather perhaps cannot be carried into effect without increasing the debt, trenching on the endowment, and impeding the measures in contemplation for increasing the efficiency of the University.

Moreover, His Excellency the Chancellor himself, in a Communication, read before the Council, on the 20th of April, 1844, adduces, as a reason, against the above mentioned Minute :

That the funds of the Institution do not admit of the increase of expense, thereby proposed.†

The several assertions were still further confirmed by the Bursar's estimate of expenditure and income for the year 1843, which contains the following statement :—

Estimated expenditure.....	£6,623..2..6
Income applicable to University purposes.....	6,126..13..2
Deficiency	£496..9..4

Even, according to this most favourable statement, the expenditure exceeded the income by nearly five hundred pounds—(£500).

Notwithstanding these statements, and although no additional sources of income had come within my knowledge, I found, that no such objections were made by the same parties to a great increase in the expenditure at subsequent periods ; and my belief, that such expenditure could only be derived from inroads on the capital, was confirmed by the Bursar's returns, and by calculations and estimates, which I had based thereon.

Qy. 6. Had the Council any distinct object in view in its appropriation ?

Qy. 7. How has the interest derived from securities been applied ?

Qy. 8. Have receipts from various sources been accounted for separately ?

6, 7, 8, *Ans* I do not know, that the College Council ever had any distinct object in view, or, at least, that they ever acted on any system in appropriating the proceeds of sales of lands, I believe that the sums derived from this source have been amalgamated with those obtained from other sources, and that the expenses of the Institution have been defrayed from the means immediately at hand. The same answer may be given in regard to rent and interest.

Qy. 9. What would you recommend as to the sale of the University Endowment Lands ?

Qy. 10. In what way should the rents of the University Lands be determined ?

9 and 10. *Ans.* My experience in Land transactions will scarcely entitle my opinion on this subject to much consideration.

I have always thought, however, that were a system of long leases, instead of the alienation of the Lands, to be adopted, the interests of the Institution would be permanently secured, and a source of Income made immediately available ; and following up this mode of administering the Estate, I have no hesitation in recommending the determination of rent according to a money valuation, as both more certain and less exposed to abuse.

TORONTO, September, 1848. HENRY CROFT.

* See pages 32-44 of this Chapter.

† The Communication, from which this quotation is made, will be found on page 140 of the Fifth Volume of this Documentary History.

RESUMÈ OF THE FISCAL ADMINISTRATION OF KINGS UNIVERSITY COLLEGE.

Although the replies of Doctor William C. Gwynne to the series of questions put to him by the Commissioners appointed to inquire into the Affairs of King's College University in August, 1848, is very voluminous, and very full, in matters of detail, yet it is practically an historical resumé of the history of the financial administration of the Institution from before his appointment in 1843, to the time of his writing the replies in 1848.

There is no question that these replies of Doctor Gwynne were, without doubt, the more valuable to the Commissioners, as they throw a fuller light on the proceedings of the Council, than did the replies of the Professors, of the University. because he surpassed all other members of the Council, during his membership on the Council, in his devotion to the financial interests of the University. He was ever watchful of these interests, and sought in every way to safeguard the patrimony of the University, by the judicious oversight of the sale, or lease, of Lands belonging to the "Estate." He was by no means successful, as a rule, in his efforts in this direction, more from want of business knowledge on the part of his confreres than from design. In Profes or Croft he had an able seconder of his efforts, and also in Professor Potter, while he remained connected with the University.

IV. PROFESSOR WILLIAM C. GWYNNE'S ANSWERS TO THE COMMISSIONERS.

Qy. When was the first application made for an Imperial Grant?

1. *Ans.* It appears from public documents, printed in the proceedings of the Legislature, that the first application in this Province, to the Imperial Government, for a grant of Lands for the purpose of endowing a University, was made by the Legislature of Upper Canada, in 1797; the first object specified in the application having been the establishment of a Grammar School in each Municipal District.

Qy. What quantity, and at what time, was the Grant, of Land, made?

Ans. I have not been able to discover what was the extent of the original appropriation under the application referred to in the preceding answer; but I am led to infer, from the words of a Report of the Executive Council, dated the seventh of January, 1819, also printed in the proceedings of the Legislature,* that it must have amounted to five hundred thousand acres, (500,000,) for the Schools and the University. The Deed of Endowment, dated the third of January, 1828, conveys two hundred and twenty-five thousand, nine hundred and forty-four acres, (225,944,) to the Corporation of King's College, for the purposes of the University.†

Qy. What Lands now form the present University Endowment?

3. *Ans.* I have always understood, that, for some time after this appropriation, the Lands selected were not immediately available for raising funds for bringing the University into operation; and, from a Despatch from Sir, Peregrine Maitland to Lord Bathurst, dated the nineteenth of December, 1825, it appears to have been proposed, to exchange the lands so appropriated for a portion of Crown Reserves more available for such purpose; and that the suggestion of Sir Peregrine Maitland was adopted by the Imperial Government, and authority given for the exchange.‡ The lands so given in exchange, are those contained in the Deed of Endowment: and since the Deed was issued, the principal portion of the Endowment has remained unchanged. In consequence, however, of the Provincial Government having, subsequently to the Deed of Endowment, indvertently granted portions of the lands therein conveyed to private individuals, on the discovery of such mistakes, negotiations have been opened with the Corporation of King's College, for conveying other lands, belonging to the Crown, in lieu of those inadvertently

* This Report will be found on pages 151, 152, of the First Volume of this Documentary History.

† *Ibid*, pages 205, 238, 264 and 317

‡ A copy of this Despatch will be found on page 205 of the First Volume of this History.

taken from King's College. I am unable to state the number of acres thus withdrawn from the Endowment, as specified in the original Deed ; or to what extent, or on what principle of compensation the lands, inadvertently conveyed to third parties, have been replaced by other Crown Reserves ; but, in one case, which has occurred since I took my seat at the Council Board, a portion of the University Endowment amounting to two hundred acres, and conveyed by the Crown in the manner stated, was valued at twenty-five shillings, per acre, while the Crown Reserves, received by way of compensation, were valued at eight shillings per acre ; thus increasing by more than three-fold the number of acres in this instance added to the original Endowment. In this way, I believe, the Endowment has been increased beyond the number of acres specified in the Deed ; but no specificatoin of such increase has been made by the College Council, at least I cannot discover it in the Bursar's Returns.

Qy. When were you first a Member of the Council ? In what state was the management then ?

4. *Ans.* I first took my seat at the Council Board, on the twenty-fifth of September, 1843 ; and previously to that time, I had no knowledge, or information, relative to the managment of the Endowment, beyond that afforded by the Public Returns, as printed in the proceedings of the Legislature.

Qy. Did you suggest a change ? If so, was it adopted ?

5. *Ans.* Shortly after I became a Member of the Council, in September, 1843, I saw much cause for dissatisfaction with the management, both of the Estate and of the Financial affairs of the Institution. In respect to the Estate, it appeared to me, that alienations were made, not only without due consideration, but in violation of the provisions of the Charter ; supposing that the Charter sanctioned alienations at all ; for, instead of the property being formally disposed of under Statutes, Rules, or Ordinances, as enjoined by the Charter, for regulating all important proceedings, the alienations were, in reality, effected in the Bursar's Office, and irrespective of the College Council itself, the only legitimate Body through which they could be made ; and, even at a time, when the College Council itself was in abeyance.

Doctor Gwynne's Efforts to Remedy Defects in the System of Land Alienation.

To remedy what I considered a dangerous abuse, and with the view of obtaining, at least, a fair consideration for Lands alienated, by transferring the discretionary power to a more competent and responsible Body. on the fourth of October, 1843, I moved a Resolution, for the appointment of a Land and Finance Committee ; whose duty it might be to investigate applications to purchase and to lease ; to ascertain the value of the lands proposed to be purchased, or leased ; and to report to the College Council on each application. The consideration of this Resolution was postponed till the twelfth of October, when it was adopted in an amended shape, which I supported ;* the amendment, making it incumbent on the College Council to regulate the alienations, in the manner proposed by the original Resolution, but without the intervention of a Committee, or any delegation of power. For some time after the adoption of this Resolution, the alienations of land were effected under it ; but it soon became abundantly obvious to me, that, even under the restrictions imposed by the new system, the object I had principally in view, in proposing it, could not be accomplished ; for, not only was the College Council, which met only occasionally, called upon, at each meeting, to fix the value of a great number of separate lots, situate in parts of the Country distant from each other, without the means, in most cases, of ascertaining their real value ; but it appeared, that previously to the proposals for sale being submitted to the College Council, expectations, or promises, to applicants were held out, or made, in the Bursar's Office, with which the majority of Members of the Council seemed disposed to remain satisfied, and, by which, the operations of the Council were ultimately regulated. Thus, in effect, the power of alienation remained where it was before the Resolution was passed, and its discretionary exercise received no father check, than might be given to it, by the formality of obtaining the direct sanction of a quorum to each alienation, and the notice thereby given to the Members of the Council.

Practical Remedy Proposed to Provide for the Future Sale of University Lands.

With a view to remedy this state of things, and to supply the Council with the materials for arriving at a correct estimate of the value of the Lands, for which applications were made, on the thirtieth of December, 1843, I proposed the following Resolution :

That the Bursar be required to lay upon the table, a statement of the lots of land, for the purchase of which applications have recently been made ; setting forth the periods at which the several lots were first leased ; the terms for which they were let, together with the annual rent to which they are at present subject ; and whether, there is any thing in the lease, which holds forth to the tenant a reasonable expectation, that the Council is compelled to sell.

*Page 296 of the Fourth Volume of this Documentary History.

And, in order, that the Council might, at no time, be taken by surprise, and that fair operation might be given to the proper mode of alienation, I subsequently, on the tenth of January, 1844, moved the following Resolution :—

That all applications for the purchase of Land, be in the future laid before the monthly meeting of the Council, prior to entering into any engagements with the individuals concerned.

A Land Committee of the College Council Appointed to Report on Land Sales.

These Resolutions were carried, and for some time, were acted upon, but, notwithstanding the restrictions thus imposed on the sales, the alienation of the Estate proceeded with great rapidity, and, as I was led to apprehend at, a price far below its real value. I felt desirous, therefore, of getting the sales arrested, or at all events, suspended, until a more satisfactory mode of alienation could be devised. Accordingly, on the third of February, 1844, I moved, seconded by Professor Potter, that :—

The Council were of opinion, that it is not expedient at present, to dispose by sale, of any more land, the property of King's College.

An amendment to this Resolution was moved by Doctor McCaul, and seconded by Doctor Beaven, and carried by a majority, to the following effect :—

That a Land Committee of four Members be appointed to report on the sale of the endowment, and offer recommendations to the Council, relative to the same ; that the following Members of Council, shall form the Land Committee ;—videlicet : the Vice-President, Doctor Beaven, Professors Potter and Gwynne.*

This amendment having been carried, the Committee met and assumed its duties ; and, as a preliminary step towards acquiring that full and accurate knowledge of the Estate, which seemed to me indispensable to its proper administration, I proposed the following Resolutions, which were carried :—

One :—That the Bursar be requested to complete the statements of King's College University, as usually returned to Parliament, up to December thirty-first, 1843.

Two :—That the Bursar be requested to furnish a return of the number of acres at present under lease, and which were under lease at the time the Endowment was made over to the University.

Three :—That the Bursar be requested to furnish returns of the lots upon which arrears of rent, and of those upon which arrears of interest on instalments, are now due, stating the amount due on each lot.

At a subsequent meeting of the Committee, the Bursar furnished the information required by the first of these Resolutions ; but he, at the same time, stated, that the preparation of the returns required by the second and third Resolutions, would occupy two or three months. However necessary to the purposes of the Committee, these returns might be, I have not, to this hour, been successful in obtaining them, notwithstanding repeated demands, which I have made in presence of the Council, and the expression of my dissatisfaction with the delay that has occurred in their preparation. In the meantime, the operations of the Committee were carried on, in the absence of the required information.

Proposal to Reserve 100,000 Acres of Land as a Perpetual Endowment.†

On the first of April, 1844, the Land and Building Committee submitted the following recommendation to the Council :

"That one hundred thousand (100,000) acres shall be reserved as the perpetual Endowment of the University, of which, those at present under lease, shall form a part, and that the Buildings, including the south-west Wing and the Residences of the Professors, shall be commenced forthwith ; and that the plans marked A and B, shall be recommended as the most expedient for the south-west Wing."—

A Resolution, that the Report should be adopted, was moved in the Council by Professor Potter, and seconded by Doctor Beaven ; Doctor McCaul, moving in amendment, that the words ;

"Of which those at present under lease, shall form a part," should be omitted ; and that the following words should be added after the word "forthwith" ; and that the requisite sales of lands for effecting these objects shall be resumed.

On a division, the votes stood thus :—*Ayes* Reverend Doctor Strachan, President, Reverend Doctor McCaul, Vice-President, Reverend Doctor Beaven ; and Mr. F. W. Barron, Principal of Upper Canada College : 4. *Nays* : Professors Potter, Croft, and Gwynne : 3.‡

* See page 132 of the Fifth Volume of this Documentary History.

† This proposal originated with Doctor Strachan, President of the University. On the 15th of February, 1840, his suggestion on the subject was considered, but the matter was "postponed until further information on the subject be obtained." See page 300 of the Third Volume of this History.

‡ See page 139 of the Fifth Volume of this Documentary History.

The amendment, it will be observed, was carried by the vote of a gentleman who considered himself justified in supporting both the original resolution and the amendment. I dissented from the amended Resolution on the grounds stated at length in the Minutes of the day.* The sales of Land were, in this manner, resumed under the superintendence of the Council. And, on the first of May, 1844, a Resolution, moved by the President, was proposed to the following effect :

That the Bursar be instructed to sell Lands, after consultation with two, at least, of the following members of the Council : The Vice-President, Doctor Beaven, and the Principal of Upper Canada College. In the division that followed, the votes stood as they were before : 4 against 3 . . .

It will be observed, that a change was thus effected in the individuals composing the Land Committee ; and that those gentlemen, who are named in the Resolution, are, with the assistance of the President, the only supporters of the measure. I apprehend at the time this Resolution was carried, (and the result has fully justified my apprehensions,) that its effect would be, to deprive the College Council of all effective control, in the disposal of the Lands, and of the due exercise of their judgment, on the merits of the respective applications ; and to delegate the absolute power of selling the Lands, to a Committee of three Members, any two of whom might, with the co-operation of the Bursar, proceed, without limit, or control, in the disposal of the Estate. On these, and on the following grounds, I dissented from the Resolution

(NOTE.—I omit the three formal reasons for this dissent, as they are sufficiently indicated above. J. G. H.)

INQUIRY AS TO THE FORMER PRACTICE OF THE COUNCIL, IN REGARD TO LAND SALES.

Finding myself foiled in every attempt which I made to introduce a check upon an extensive alienation of the Lands, I applied myself, with some curiosity, as well as anxiety, to inquiring, whether the same indiscriminate system had existed, *ab initio*, and, if so, upon what authority it had been commenced and continued.

In referring to the records of the transactions of the College Council, I was astonished to find how very little information existed respecting their land transactions, although the practice of alienation seemed to have commenced at a very early period ; and I was still more surprised to find, that at no period, had any Statute, Rule, or Ordinance, been enacted, either authorizing, or regulating, the sales. It did, indeed, appear, that, on several occasions, when the attention of the College Council seemed to have been seriously directed to the state of the Endowment, the sales were suspended ; and, from the action taken at these Meetings, I was still further confirmed, in the very strong opinion, which I had formed, of the inexpediency of the system of alienation ; and, at length, grave doubts impressed themselves on my mind, of the legality of the alienation, at least, so far as they had been made without the sanction and solemnity of Statutes, Rules, or Ordinances.

Impressed with these doubts, I privately took the opinion of several eminent Lawyers in Upper Canada, on a case submitted for their professional advice ; and finding, that their opinion, tended greatly to increase those doubts, or rather to confirm me in the belief, that the whole system of alienation was inexpedient, unwarrantable, and illegal, I moved the following Resolution in the Council, on the twenty-fourth of January, 1845. That the opinion of the Attorney and Solicitor General be requested on the following points :—

First, Whether the sales of Land, (the property of King's College,) which have hitherto been made, are valid ; the said sales having, in most instances, been effected by a mere Resolution of the Council, and not by Statute emanating from the Chancellor, as the Charter appears to require.

Second, Whether the Council of King's College is not altogether deprived of the power of alienating the Real Estate of the University by sales, by what are called the restraining Statutes of Elizabeth.

MEMORIAL TO THE CHANCELLOR ON THE QUESTION AS TO THE RIGHT OF THE COUNCIL TO ALIENATE THE UNIVERSITY ESTATE.

This Resolution, not having been seconded, fell to the ground, and consequently it does not appear on the Council records.

Notwithstanding the refusal of the College Council to take a step, which would have placed themselves, personally, in a safe position, I still felt anxiously desirious, that nothing should be left undone by me, which might have the effect of saving the Endowment from a system, which I believed prejudicial, if not utterly ruinous, to the interests of the Institution. Accordingly, in the month of February, 1845, I addressed a Memorial to the Chancellor, stating the difficulties which I had encountered, in reference to the alienation of the Estate ; and praying that

* See page 139 of the Fifth Volume of this Documentary History.

His Excellency would either take steps for staying such alienation, or propose some Regulations for having it conducted on an intelligent and satisfactory system. A copy of this Memorial, having been transmitted by the Chancellor to the College Council, a Committee of that Body prepared a Report, which was adopted by a majority of the Council, and transmitted to the Chancellor.

These documents are printed in the Appendix to the Journals of the House of Assembly, second Session of the second Parliament, ninth Victoria, 1846; and to them, I beg most respectfully to refer the Commissioners for a fuller and more satisfactory explanation of the reasons by which I was guided, in the course, I have taken.*

It is almost unnecessary for me, to say, that the Report adopted by the College Council, and to which I have referred, was far from being satisfactory to my mind. For, passing over altogether its general tone, . . . it did not meet my objections to the management of the Institution, on the grounds which I had taken; videlicet: the inexpediency and illegality of the sales; and the necessity for keeping the expenditure of the Institution within its income.

* * * * * * * *

In short, the intention of the Document appeared to be an attempt to cover, rather than to explain, the previous management of the University, and the proceedings of the College Council.†

Confident, that I was in possession of materials amply sufficient to expose its entire fallacy, I applied to the Chancellor, for liberty to answer the Report on the merits. This privilege was denied to me The Chancellor (Lord Metcalfe) declined receiving any communication from me, on the subject; and I am, therefore, constrained to take this first opportunity that has presented itself, of reiterating the assertions contained in the Memorial, of disproving many of the facts and references in the Report; and thus of vindicating the course which I pursued, by reference to the documents upon which my opinions were formed, and to the results of that system which, in the honest exercise of my judgment, I have exposed.‡

COMMISSION ASKED TO CONSIDER TWO SERIOUS OBJECTIONS TO THE SYSTEM OF MANAGEMENT.

With this object, and keeping also in view, the questions submitted by the Commissioners, I shall respectfully call their attention;

First, to the system which has been adopted in the management of the landed estate; and:

Secondly, to the fact, that the Capital has been largely applied to meet current expenditure, or has otherwise been improperly disposed of. The question of the legality of the alienations having been disposed of, by the Visitors, I shall not further allude to the subject, than by referring the Commissioners to the opinion of the Visitors appended to the Memorial and Report.

FIRST OBJECTION—IN REFERENCE TO THE ALIENATION AND MANAGEMENT OF THE ENDOWMENT;

I stated, in my Memorial to the Chancellor that, although the custom of selling the Lands prevailed almost from the very foundation of the Institution, and has continued to prevail ever since, to a greater or less extent, although the composition of the Council has constantly varied, yet, whenever the Council has considered the subject, on its being formally brought under their notice, the alienation of the Estate has invariably been stopped; but the custom appears to have again continually crept in, apparently when Members were off their guard, and sometimes, when there was not even a quorum of the Council present.

The Report of the Council avoids a direct answer to this allegation, by stating that:

The Committee are not aware, that the Council have ever stopped the practice of selling the Lands of the University, through any doubt of their right to alienate the estate in that way.

Now, it will be observed, that I have, in no part of the Memorial, hazarded even a conjecture as to the grounds on which the Council arrested the sales, and that the reason here alleged as having been stated by me, is altogether gratuitous. I never had any reason to assume,

* See pages 200, 205, 6, and 211, 212 of the Fifth Volume of this Documentary History.

† This Report was too voluminous to insert in the Fifth Volume of this Documentary History. On page 205 of which, however, is given a summary of it, which see. It is presented in full in the Appendix to the Journals of the House of Assembly for 1846.

‡ *Per Contra*—It will be seen, on reference to pages 211, 212 of the Fifth Volume of this History, that, by direction of the Chancellor, the questions raised in Doctor Gwynne's Memorial to him, (and which he here speaks of at length,) were referred to the five Judges of the "High Court of Justice," as Visitors, of King's College,—four of whom practically held that the Council of King's College had not exceeded their powers in alienating the Endowment Lands of the University. One of the Judges, the Honourable James Buchanan Macaulay, favoured the view taken by Doctor Gwynne, so that he had a clear right, as a matter of law, to raise the question, which he did, in his desire to conserve the "Estate" of the University.

that the question of legality had ever been mooted in the Council ; for certainly, if any impression of that kind had gained any ground among the Members, it is scarcely to be supposed, that some one would not have been found competent to impress his opinion on a Board, which always embraced the Law Officers of the Crown, whose legal opinion could readily have been obtained, and who were themselves parties to the alienation, and consequently supporters of the system. It did occur to me, however, that notwithstanding the fluctuating character and constitution of the College Council, whenever the subject of extensive alienation was brought forward, a majority has invariably been found, who were opposed to such a system ; either on the ground of its inexpediency, or of the deficiency of information necessary for enabling the Council to dispose of the Lands with prudence and advantage ; and, although the question of the legality of the sales does not seem to have attracted the attention of any of my predecessors, yet I was led to infer, that, neither the mode, nor the extent, of the alienations had received the countenance of those who reflected seriously on the subject ; and, in support of this impression, I refer to the Minutes of July and December, 1839, January and February, 1840, and January, 1841, quoted or referred to, on page seven of the printed report of the Committee . . .*

[Here follows, in this part of the answer of Doctor Gwynne, a criticism in detail of portions of the Report of the Council which is not material in this narrative of his case. I therefore omit it. J. G. H.]

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Bad effects of want of a Quorum at the Meetings of College Council.

But although the Records of the Council, from February, 1840, to January, 1841, afford no evidence of any new system of alienation having engaged the attention of the Board, or that the information required from the Bursar had been supplied, they afford positive proof, that on several occasions, applications to purchase were refused. It does appear, although expressly denied in the Report, that the alienation of land, without a quorum, had crept in ; for, on one occasion, namely, on the eighth of July, of that year, the Members present sanctioned the sale of a lot in Scarborough, although, "not being sufficient numbers to form a quorum for general business, they adjourned." Indeed, for a considerable period, subsequent to the meeting of January, 1841, a quorum of the Council, does not appear to have assembled ;† nor do the Minutes record the adoption of any Rules, or Regulations in relation to the alienation of the Estate, up to the year 1843, when the new Council was formed.

It seems only a fair inference, therefore, that the Resolution of February, 1840, suspending the sales, continued, or was believed by the Council to be in force, and that it ought to have been observed, until it had been rescinded, or suspended, by some new Resolutions, or Regulations. It appears, however, from the returns made to the Parliament in 1842, to which I have already referred, that, in the year 1841, forty-six sales of Land were effected ; by which four thousand, seven hundred and seventeen acres, (4,717,) of the Estate of King's College were alienated ; and yet, in the Minutes of that year, no sales seem ever to have been sanctioned by a quorum of the Council, although several applications were refused. It is true, that on the 30th June, 1841, the Members present (the President, Doctor McCaul, Honourables William Allan, and J. Simcoe Macaulay,) set prices on twenty-one lots of land. But, if the setting of prices on the land is to be considered as an authority to sell, then it is conclusive as to the assertion in the Memorial that,

> The custom of selling has crept in, apparently when the Members were off their guard, and sometimes when there was not even a quorum of the Council present. . .

* * * * * * *

The Second Serious Objection to the present System of Financial Management.

Secondly.—The second principal topic alluded to in the Memorial, commented on at length in the Report, and to which I shall now direct the attention of the Commissioners, is the charge made by me, that the Capital proceeds have been applied to meet current expenses, and that, thereby, or by some means, not accounted for in the returns, there has been a great diminution in the Estate.

Before adverting to the tabular views given by the Memorialist and the Committee, respectively, there is a matter of some importance in reference to the financial affairs of the Institution, which is discussed at some length in the Report, and to which I beg to call the attention of the Commissioners. I stated, in my Memorial, that "the very first act which the present Council

* See pages 189-192, 260 and 300 of the Third Volume of this Documentary History.

† Of twenty-one Meetings called in 1841, no quorum was present at ten of them.

was called upon to perform, was the sanctioning the alienation of six thousand pounds, (£6,000,) of Government Debentures." The actual amount ought to have been stated at six thousand, five hundred pounds, (£6,500). The Committee, in answer, say "They are at a loss to know the grounds of the objections of the Memorialist to the application of this amount of funds."

I cannot conceive how a candid perusal of the Memorial could have elicited this observation, especially from persons conversant with the facts—I certainly could never have made any objection to the "application" of "that amount of funds," for the very good reason, that I had no opportunity of knowing how it was applied. I neither felt nor exhibited any opposition to the payment of the just debts of the Institution; but I did conceive, that I was entitled to know the manner in which the money, for which the vote was called, was applied; and, if that was not within my province, that I was, at least, entitled to a few days delay, in order to ascertain whether some more eligible plan could not be devised, for the liquidation of the debt, than by the sacrifice of that species of funded property, which I regarded as, at once the most secure, and the most available for the necessary purposes of the Institution. In both instances, my request was refused, . . . although I was, and still am, at a loss to discover the necessity for the extraordinary haste with which the vote was sought to be, and was actually, passed; . . . unless, indeed, such necessity was occasioned in the manner stated in the principal argument urged on the occasion; namely, "that, it was very important, that this debt should be paid before the Annual Returns, as usually applied for, by Parliament, should be made up. . . . For the grounds on which I acted, on that occasion, I beg to refer the Commissioners to the answer which I made to a charge of insubordination preferred against Professor Croft and myself to the Chancellor, by the President and Vice-President. But that I could scarcely, in the circumstances detailed, have been justly chargeable with a desire to impede the action of the majority, is sufficiently obvious, from the Resolution which the Council, in view and in contemplation of these circumstances, passed at its next meeting; namely,

That no business whatever be completed at the meeting at which it is, at first brought forward, without the consent of the whole of the Members present.

The Report of the Council proceeds to point out, (and it was from that document my first information on the subject was derived,) the manner in which the six thousand, five hundred pounds (£6,500) was expended

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The object of the Report is to account for "that amount of funds," videlicet, six thousand, five hundred pounds (£6,500;) and, in attempting to do so, it states, . . . that [certain] items of the expenditure occur within the year 1843. . . .

* * * * * * *

[NOTE. Doctor Gwynne proceeds to criticise, in detail, certain financial statements made in the Report of the Council,(in reply to his Memorial to the Chancellor) These details are not necessary to be reproduced in this Documentary History, as they are printed in full in the official Report (of 366 pages.) of the University Commissioners issued in 1853. J. G. H.]

The Annual Abstract for the year 1843, furnished by the Bursar, shows the receipts of that year to have amounted to thirty-three thousand, three hundred and seventy-six pounds; (£33,376); of which large amount, the sum of six thousand, eight hundred and thirty-four pounds (£6,834) appears as proceeds of Land sold. . . .

* * * * * * *

I have no means of arriving at the truth, beyond those furnished by the Report. . . .

THE PRACTICE CONDEMNED OF PAYING CURRENT EXPENSES OUT OF THE CAPITAL ACCOUNT.

I come now to the charge, (which I have made,) that the Capital proceeds have been applied to meet current expenses; or are otherwise unaccounted for.

The Tabular view, set forth in the Memorial, was intended to represent a comparison between the Endowment and Income in 1843, and the Endowment and Income in 1844. . . . The mistake in the title, (1845 having been given for 1844,) is easily accounted for; no returns of assets having been then made up, I was obliged to have recourse to the returns of Income for 1844, which, although actually furnished at a late period of the year 1845, are only brought down to the thirty-first of December, 1844. . . .

* * * * * * *

I charged the Council with having, during that year, used Capital to meet current expenses, to the amount of £9,205 7s. 9½d. ; or that this alleged deficiency of Capital was not accounted for, in these returns. The Committee have taken issue with me on this point,—They deny that any diminution of Capital took place in 1844 ; or, if any diminution appears, that it had been applied to objects to which Capital is legitimately applicable—In order to show this, they extend the comparison of years, by introducing the year 1842 ; and they allege that,

On comparing the assets, as given by the Bursar, 1842, with a similar return for 1845, (applying to 1844,) it appears that there is a great increase in the latter year, produced by the completion of the Buildings, and by the provision of outfit.

On reference to the Annual Returns for 1842, and 1844, it certainly appears as stated in the Report, that there is an increase in the assets, to the extent of £1,108..2s..9½d. ; the assets in 1842, being £335,666..17s..6d. ; and in 1844, £336,775..0s..3½d. ; but it is exeeedingly difficult to see how the increase could have been obtained by the conversion of one landed, or funded, estate into another. It is to be presumed, that the amount of money realized from the sale of Lands, Debentures, etcetera, when laid out on Buildings, Apparatus, Books, etcetera, could only be represented by a similar amount. But, I apprehend, another solution of the difficulty can be made, less favourable to the interests of the Institution.

The Statement by the Council as to the Increase of Assets Questioned.

The increase of assets is, I fear, only apparent ; for, on reference to the item in the assets, which is represented by the Land portion of the Endowment, it will be found, that, while in the year 1842, the value of the leased lands is represented to be 22s..6d., per acre, in the year 1844, although no inspection or valuation had, in the meantime, been made to warrant the change, the same lands are represented as being worth 23s..8d., per acre. On an elastic principle of this kind, it is easy to allege an increase of assets to any extent, in any year ; and were the actual number of acres comprising the Endowment to remain stationary, the returns of assets would exhibit so favourable a view of the circumstances of the Institution, by this mode of imposing a fictitious value on the lands, as would cover any expenditure. But when I find this expenditure increasing, with a rapidly diminishing Endowment, I am led to the conclusion, that an arbitrary and fictitious rise in the value of lands, does not, by any means, increase the actual assets. Thus, in 1842, the leased lands amounting to one hundred and one thousand and fifty acres, (101,050) were valued at 22s..6d., per acre = £113,656..5s..0d. , in 1844, they amounted to eighty-eight thousand, eight hundred and fifty-five (88,855) acres, and were valued at 23s..8d. per acre = £105,145.

101,050 Acres, at 22s..6d	£113,656..5..0
88,855 Acres, at 23s..8d	105,145..0..0
12,195 Acres	£8,511..5..0

Now, the sum of £8,511..5s..0d, here, apparently represents the value of the Lands, by which the Endowment was actually diminished. But the Estate was actually diminished by twelve thousand, one hundred and ninety-five (12,195) acres ; and taking the proceeds of the sales of lands for 1843 and 1844, as given in the Returns, the amount realized was actually £20,-128..17s..7d. Now, upon deducting from the last mentioned sum, the alleged increase in the value of the Lands, videlicet, £8,511..5s..0d., there arises a balance of £11,617..12s..7d., still remaining unaccounted for ; even on the principles on which the Returns are framed, and which are sanctioned and adopted by the Reporters on my Memorial.

The question then occurs ; Did this diminution arise in the year 1844, as I have stated in the Memorial?

The Report of the Council sets forth the conversion of a certain amount of Capital, in the years 1843 and 1844, into Buildings, outfit, etcetera. I allege, that all the conversion, here set forth was not subsequently to 1843, and that no portion of it took place during the period embraced by my tabular view.

By the returns of assets for 1842, the first nine items amount to £188,401..2s..3½d. The returns of 1844 represent the same items as amounting to £188,561..11s..1½d. ; showing an increase, in 1844, of £160..8s..10d.

During the same period, the leased lands are reduced from	95,575, Acres
To	88,855, Acres
Showing a diminution of	6,720, Acres

Now, the average price for which the Lands of King's College and Upper Canada College, sold in 1844, was about 31s., thus making the proceeds of Land in that year.....	£10,416	1	0
From which, deducting the increase already exhibited in the other assets, amounting to	160	8	10
Gives a total amount of	£10,256	12	2

apparently unaccounted for, in the year, 1844.

It will be observed, that a discrepancy exists between the amount of diminution in 1844, alleged by me in the Memorial, and that now alleged. The extent of the diminution is greater in the latter statement ; which, I apprehend, is the more accurate view of the matter. My first calculation was made from the returns of income. No returns of assets having, as I have before stated, been then furnished ; but I have now been able to give greater precision to my views from the Bursar's return of assets, since furnished.

Enough, I think, has been said, to show that the great diminution of the Estate charged by me, took place, as was alleged in 1844, and a reference to the returns of assets, will readily show, that the diminution is not attributable, in any degree to the circumstances stated in the Report . . .

* * * * *

Before proceeding to the very serious inquiry proposed in the Report, namely, whether the diminution of Capital has extended over the seventeen previous years of the Institution, there are two matters of some importance, in reference to which, the Committee charge me with making observations without due consideration.

First :—That the Rent-roll remains the same in both years, although it appears from the returns, that the lease lands diminish to the extent of six thousand seven hundred and ten (6,710) acres. The Committee of the Council admit the fact, and finding fault with the term "Rent-roll" as inapplicable, and substituting the more convenient term of "Estimate," they account for this very extraordinary circumstance, by stating, that the septennial increase of rent corresponds, with exact precision in this year, to the deficiency arising from six thousand, seven hundred and ten acres, (6,710) being struck from the Rent-roll . . .

* * * * *

Second :—I stated in the tabular view, "that no credit has apparently been given for the proceeds of Lands sold in 1844."

The Committee of the Council deny the fact, and allege that the amount of purchase money received in that year, was about the same as the amount of proceeds of Lands sold ; and, therefore, the amount of purchase money outstanding must remain the same, both years. The accuracy of this explanation may be amply tested by the Bursar's annual statements of receipts and disbursements for the year 1844 . . .

* * * * *

Having, I think, satisfactorily proved all that I charged in the Memorial, namely,

That in the year 1844, the Estate of King's College was considerably diminished, and that a large amount of Capital was, in that year, appropriated to meet current expenditure, or that it has, in some other manner, unaccountably disappeared.

I shall proceed now to the inquiry propounded by the Committee, videlicet :—whether there has been such an application of the Capital in the other years during which the Institution has been established.

This question was not mooted by me, in the Memorial. Indeed, when that document was prepared, although I charged the Council with suffering a diminution in 1844, I had not entertained the most remote idea, that a similar charge might be made in respect to the preceding year. On the contrary, I had every inducement to the belief, that during the long period, when the University was in abeyance, the capital had been rapidly accumulating ; and that in consequence of the large amount of monies received, being funded, a surplus had constantly arisen, after meeting current expenses, from which the invested property of the Institution had accumulated ; and I was further warranted in entertaining this idea from the circumstances, that in the Bursar's Returns, there appeared large accumulations of rents and arrears of interest, the value of which I had then no reason to dispute.

FOR SEVENTEEN YEARS THE UNIVERSITY CAPITAL WAS USED TO DEFRAY CURRENT EXPENSES.

But painful to my mind as is the conclusion at which I have arrived, I think it due to the Commissioners to state, that I am impressed with the belief, that ever since the establishment of the University, a system has been carried on, or rather a want of system has prevalled, by

which a considerable portion of the capital has been used to meet current expenses, or has unaccountably disappeared. If any reliance is to be placed on the tables appended to the Report of the Council, they furnish ample evidence of this assertion. Indeed, I am at a loss to conceive, how any one acquainted with the most elementary principles of arithmetic and accounts, could have prepared these tables, without being himself satisfied of the fact.—For not only are these tables framed on principles directly at variance with those set forth on the Report, but they prove on their face, the very thing they profess to deny ; namely, that in the seventeen years' operations, which they profess to exhibit, a portion of the capital has been applied to meet current expenses. The Report of the Council states:

It is plain, that, strictly speaking, the sums received by transmitting the Endowment into money, should be regarded as Capital, whilst the rent and interest on instalments due, form the annual income. This Capital is to be employed in two ways, either in purchasing profitable investments, or in buying the stock necessary for conducting the business of the establishment ; *id est*, grounds, buildings, and outfits. It is also evident, that the annual income, consisting of rents and interest on instalments due, may be legitimately expended on current expenses.

The accuracy of these principles must be at once admitted ; but, when the Committee proceed further to state, that they :

Subjoin some tabular views, from which they conceive, it will be apparent, that not only has the Capital not been applied to pay current expenses, but that a considerable sum has been taken from the annual income, and applied to purposes to which Capital is legitimately applicable.

I am at a loss how, in the face of these tables, such an assertion could be made ; for in the Tabular View, Number One, I find :—

The Royal Grant (of 1827) for Buildings		£ 4,999 19 9
The proceeds of sales collected, stated at Tabular View, Number One		85,816 1 1
And in Tabular View Number Three, on account of Upper Canada College		11,665 10 10
In all		£102,481 11 8

On the other hand, the expenditure of Capital for King's College and Upper Canada College, with the profitable investments, stand thus, including improvements, videlicet :—

Number One, Tabular View, King's College	£32,632 18 10	
Number Three, Tabular View, Upper Canada College Buildings and grounds	18,948 2 3	
Number Three, Tabular View Debts and Investments	1,759 4 0	
Number Four, Tabular View Debentures, Mortgages and Cash	47,078 15 5½	
		£100,419 0 6½
Leaving an excess of expenditure of Capital, to the extent of		£2,062 11 1½

Analysis of the Contradictory Tabular View of the College Council Committee.

Such is the result of an analysis of the Tabular Views, as given by the Committee, giving full credit for the several amounts, therein stated under the head of "Capital received and expended, on account of King's College and Upper Canada College ;" but it can be easily shown, that these tables are erroneous, and are not constructed on the principles set forth in the Report. For, in the first place, in Tabular View Number One, they take credit in the expenditure of capital on objects to which capital is strictly applicable, for the entire amount expended on University Grounds and improvements, being £13,563 17 6
While a reference to the Bursar's Return for the year 1839, will show, that the money expended on the Avenue and grounds, amounted only to the sum of 4,391 2 1

Leaving the sum of £9,172 15 5
expended on improvements, which, on the principles laid down in the Report, was a legitimate charge on income alone.

In the second place, the Committee take credit, in the Tabular View Number One, as the amount of expenditure on account of King's College, for the sum of £32,632 18 10
While the amount stated on account of the same items in the Bursar's returns of Assets for 1843, is 27,000 0 0

Leaving the sum of £5,632 18 10
with which the Committee have over credited themselves—

In the third place, in the Tabular View Number Three, the proceeds of sales of Town lots collected, belonging to Upper Canada College is stated at £1,235 7 9
While, in the Bursar's returns, Number Five, furnished to Parliament, they are stated, in 1843, to amount to 1,343 12 11

Leaving a sum of £108 5 2

unaccounted for, in the Statement of the Committee.

FURTHER MISLEADING AND ERRONEOUS STATEMENTS OF THE COUNCIL COMMITTEE.

If the occurrence of such statements is extraordinary, in Tables prepared for the express purpose of showing a result altogether different ; I have yet to point out instances, not less extraordinary, where a portion of the Estate has mysteriously disappeared altogether from the Bursar's Returns. The Report of the Finance Committee of 1842 has already been referred to, and scarcely too much importance can be attached to it ;* for, in the first place, it bears on the face of it, the evidence of much labour and attention ; secondly, the Gentlemen, who composed the Committee :—(the Honourable William Allan, Captain John Simcoe Macaulay, and Doctor McCaul,)—must be presumed to have been conversant with business, and accurate in details ; and thirdly, the time when, and the objects with which it was drawn up, (preparatory to, and with the immediate view of opening the University,) were calculated to insure its perfect accuracy, both in the general view and in the details on which they were based.

In that Report, (see also the returns furnished to Parliament in 1846,) the number of acres granted as an endowment to

King's College is given as	225,944 (acres)
Deduct errors in the measurement	2,405¼ (acres)
Endowment (in acres)	223,538¾

At the date of that Report of 1842,

There had been sold	97,460½ acres
There had been leased	105,314½ acres
As yet unoccupied	20,764 acres
Number of acres of the original Endowment	223,538¾

From the above extracts from the Report, it appears that in 1842, the University held of leased

Lands	105,314½ acres
Of unoccupied Lands	20,764 acres
id est of unalienated Lands	126,078½ acres

The Returns (furnished by the Bursar) of the state of the Endowment, as at the first of December, 1843, give the leased and unoccupied lands as 107,610½ acres,—thus shewing a diminution, in the years 1842 and 1843, of 18,467$\frac{7}{12}$ acres.

By the same returns it appears, however, that the quantity of lands actually sold, during that period, amounted in 1842, to ..... 7,504 acres
and, in 1843, to ..... 7,723$\frac{1}{3}$ acres

or a total, in the two years of ..... 15,227$\frac{1}{3}$ acres

Shewing a diminution of the Land Endowment unaccounted for, in the Returns of 1842 and 1843, to the extent of ..... 3,239$\frac{1}{3}$ acres
But to these should be added the deficiency in the measurement above referred to, of which no notice was taken in the Bursar's Returns for 1843 ..... 2,405¼ acres

Total quantity of Lands unaccounted for ..... 5,644¼ acres

* * * * * * * *

On reference to my Tabular View appended to my Memorial, it will be seen, that in 1843, the wild lands amounted to fifty-four thousand, seven hundred and ninety-six and one-half (54,796½) acres, and in 1844, to fifty-seven thousand, four hundred and twenty-four and one-half (57,424½) acres, giving an increase of two thousand six hundred and twenty-eight (2,628) acres. . . .

* * * * * * * *

* See pages 177-179 of the Fourth Volume of this Documentary History.

The Bursar furnished me with an explanatory memorandum, a copy of which, I have hereunto appended. This explanation is by no means satisfactory. For, in the first place, on making the calculation suggested by the Bursar, I do not find "That the amount of lands on lease and unoccupied, taken together for each year, agrees with the amount which should remain after deducting the lands sold;" . . . and secondly, when I ascertained from the Returns furnished in 1844, the total reduction which has taken place in the leased lands since the returns of 1842, and compare this reduction, amounting to (12,195) twelve thousand, one hundred and ninety-five acres, with the amount of land sold, I find that the quantity sold actually exceeds the reduction to the extent of five hundred and fifty-one and one-half (551½) acres. . . Nor does it appear, that the diminution of capital, or its unaccountable disappearance has been confined to the years embraced by the Report. An examination of the Returns, for the last five years will shew, that during that period, the erroneous sum of £25,441..13s..2d., has been in this manner absorbed; and this, notwithstanding an arbitrary value having been given to the assets, by which they have increased, apparently, to the extent of £26,685..13s..9d. Thus a comparison of the returns of assets for 1842, with those for 1847, gives an increase of £15,603 .11s..8d., on the first nine items.

University Assets for the Years 1842 and 1847.

Nature of Investments, etcetera.	1842 £	s.	d.	1847 £	s.	d.
1. Cash and profitable Investments	49,044	18	4	59,072	19	9
2. Proceeds of land outstanding	61,084	9	2	60,695	4	6½
3. Rents in arrears	16,798	0	6	14,800	0	0
4. Interest on	18,000	0	0	15,799	0	0
5. Buildings, Grounds, etcetera	36,000	0	0	45,000	0	0
6. Town Lots, Block D	1,000	0	0	1,000	0	0
7. College Dues in arrears	6,402	0	4	5,523	1	9
8. Cash and profitable Investment belonging to Upper Canada College	(see below)	....	....	1,759	4	0
9. Increase on Welland Canal Debentures	.....	....	....	283	10	0
	£188,329	8	4	203,933	0	0½
	deduct..	....	....	188,329	8	4
And there remains a total increase since 1842 of..	.....	....	....	£15,603	11	8½
In the Returns of assets for 1842, the eighth item, above, then amounting to £2,356..65s..5d., is not carried forward; and, in an estimate of this kind, it may be proper to leave out of view, the increase on Welland Canal Stock. On deducting these sums, then amounting to	.....	....	....	2,639	16	5
There remains an increase in Assets, since 1842 of	.....	....	....	£12,963	15	3½
Now, it will be found, that, within the same period, Lands have been sold to the extent of 24,172 11/12 acres; and, that the proceeds of these sales amounted to	.....	....	....	38,405	8	5
So that the sum of ..... remains unaccounted for, notwithstanding the alleged increase of Assets, to the extent of	..... £26,685	 13	 9	£25,441	13	1½

I have thus, I apprehend, made it abundantly plain, that, assuming the Bursar's Returns to be correct, under the present system of management, the Endowment is rapidly diminishing, or, if such be not the fact, that these returns are essentially erroneous and unsatisfactory. I regret that, notwithstanding the frequent attempts which I have made to bring these matters before the College Council, I have never been able to awaken a very serious attention to their import and effect; nor to elicit any satisfactory information or explanation of the results which

these returns exhibit. And having failed in obtaining the ear of the late Chancellor, (Lord Metcalfe) to a full discussion of the charges made in the Memorial, I was left without remedy or appeal.

I will only, in conclusion, observe, that if there is any accuracy in these estimates which I have made, and if any portion of the diminution alleged, is to be traced to those irregularities and peculations, which have been proved to have existed in the Bursar's Office, even during the time, when I have had a seat at the Council Board, the evil may, to a great extent, be attributed to the system of alienating the Estate, through a Committee, with almost unlimited power in the disposal of the University Lands.

EXPLANATION AS TO THE CAUSE OF THIS UNUSUALLY LONG ANSWER TO QUESTION FIVE.

In the observations, which I have deemed it incumbent upon me to make, in answer to the fifth interrogatory, put by the Commissioners, I have confined myself, as far as possible, to the discussion of principles. There have been, however, other irregularities in the management, and there are some other errors and discrepancies in the Bursar's Returns, which I have not been able to notice within reasonable limits, or in the scope of the questions submitted; but these I am also prepared to state, if called upon to do so by the Commissioners.

Qy. Had the Council any distinct object in view in its appropriations? Give particulars.

6—*Ans.* I cannot discern, that the Council have at any time, had any distinct object, or purpose, in view in appropriating the proceeds of the sales of Lands; but, as stated in the preceding answer, I am strongly impressed with the belief, that a considerable portion of these proceeds has been used to meet the current expenses of the Institution.

Qy. How has the interest derived from Securities been applied?

7—*Ans.* The interest arising from the sources mentioned in this question, being income, and, therefore, legitimately applicable to the current expenses, has, so far as I am aware, been applied to the extent collected, to meet the annual expenses of the Institution.

Qy. Have the Receipts from various sources been accounted for separately?

8—*Ans.* In answer to this question, I would state, that I have no personal knowledge of the mode in which the Bursar's Accounts have been kept. Nevertheless, I am under the impression, that monies derived from the sources mentioned, have not been kept distinct, but on the contrary, have been amalgamated; and that the charges and expenses of the University have been paid from this fund, at least up to a very recent period; and this impression is strengthened by a Letter addressed by the Bursar to the Chancellor of the University in 1843, printed in the Parliamentary Returns of the twenty-third of May, 1846, and marked number fifteen. The Committee who reported upon the Bursar's Office, suggested, that the amount of these monies should be kept distinct. Their Report was adopted by the Council, but whether, in this respect, it has been adhered to or not, I cannot say.

Qy. What would you recommend as to the sale of the University Endowment Lands?

9—*Ans.* I have always been of opinion, that the greater portion, if not the whole, of the Endowment, should be retained in the hands of the Council, and rented by them under long leases. This opinion, however, has been formed in the absence of that information which would be requisite to give it weight. For instance, were a proper inspection and valuation of the Lands made, I might be called on to exercise some judgment on particular portions, and while, in reference to some, I might recommend a system of long leases, in respect to others, I might recommend a sale, and the investment of the proceeds in other Lands, where leases might be more readily entered into, and the rents more easily collected.

Qy. In what way should the rents of the University Lands be determined?

Ans. 10 I think, that, in all cases, a fixed money rent should be paid. First, because it is of great importance, if the expenses of the Institution are to be limited to the income, that the managing Body should know the precise amount of that income; and that it should not be left at a fluctuating amount, derived from a rent payable in kind; and second, because the expenses of management, when the rent is paid in Cash, would be infinitely less than if paid in produce.

TORONTO, October 2nd, 1848. W. C. GWYNNE.

APPENDIX—A.—TO PROFESSOR WILLIAM C. GWYNNE'S ANSWERS.

Assets of King's College, including Upper Canada College, for the year 1842.

Nature and Value of Assets.	£	s.	d.	£	s.	d.
Cash and profitable Investments	49,044	18	4			
Proceeds of Land Sales outstanding	61,084	9	2			
Rents in arrears, £16,798 0s. 6d., say one-half	8,400	0	0			
Interest in arrear	18,000	0	0			
Upper Canada College Dues in arrear, £6,402 0s. 4d. say	5,000	0	0			
Block D. in Toronto, mostly sold, what remains may be valued at £1,000, at present in profitable buildings and grounds.*	1,000	0	0			
Site of the University, with £6,000 paid already towards the new Building, at present unprofitable	18,000	0	0			
Grounds and Buildings of Upper Canada College, unprofitable, except as to saving of the rent of the premises	18,000	0	0			
				178,529	7	6
University Lands under Lease, 101,050 acres, taken at 22s. 6d. per acre	113,656	5	0			
University Lands unoccupied, 57,975½ acres, at 15s. per acre—at present unprofitable	43,481	5	0			
				157,137	10	0
				£335,666	17	6

Assets of King's College, including Upper Canada College, for the year 1843.

	£	s.	d.	£	s.	d.
Cash and profitable Investments	45,545	13	6½			
Proceeds of Sales of Lands outstanding	67,605	8	9			
Interest on Lands in arrear	18,000	0	0			
Rents in arrear, about £16 500, take one-half	8,250	0	0			
Upper Canada College Dues in arrear, £7,464 1s. say one-half	3,000	0	0			
Town Lots, Block D	1,000	0	0			
Buildings and Grounds and Site of University	20,000	0	0			
Buildings and Grounds of Upper Canada College	18,000	0	0			
Fittings, etcetera	7,000	0	0			
				188,401	2	3½
University Lands on Lease, 95,575, at 23s. 5d. per acre				111,902	8	0
University Lands unoccupied, at 15s. per acre				41,124	7	6
				£341,427	17	9½

*In regard to "Block D," see page 212 of the Third Volume of this Documentary History.

ASSETS OF KING'S COLLEGE, INCLUDING UPPER CANADA COLLEGE, FOR THE YEAR 1844.

Nature and Value of Assets.	£	s.	d.	£	s.	d.
Cash and profitable Investments	45,619	18	5½			
Proceeds of Sales of Lands outstanding	68,389	12	8			
Interest on Lands in arrear	16,552	0	0			
Rents in arrear, £16,000 take one-half	8,000	0	0			
Upper Canada College Dues in arrear, £5,805 7s. 3d. say	4,000	0	0			
Town Lots, Block D	1,000	0	0			
Buildings and Grounds, and Site of University	20,000	0	0			
Buildings and Ground of Upper Canada College	18,000	0	0			
Fittings, etcetera	7,000	0	0			
				188,561	11	1½
University Lands under Lease, 88,855, at 23s. 8d. per acre	105,145	1	8			
University Lands unoccupied, 57,424½, at 15s. per acre	43,068	7	6			
				148,213	9	2
				£336,775	0	3½

ASSETS OF KING'S COLLEGE, INCLUDING UPPER CANADA COLLEGE, FOR THE YEAR 1845.

Nature and Value of Assets.	£	s.	d.	£	s.	d.
Cash and Profitable Investments	54,265	15	11½			
Cash for Upper Canada College	1,759	4	0			
Add increased value on Welland Canal Debentures	282	17	9			
Proceeds of Sales of Lands outstanding	62,142	16	9			
Interest on Lands in arrear	15,767	0	0			
Rents in arrear, £15,400, say	7,700	0	0			
Upper Canada College Dues in arrear, £5,454 16s. 1d., say	3,000	0	0			
Town Lots, Block D, Toronto	1,000	0	0			
Grounds and Buildings of King's College and Upper Canada College	45,000	0	0			
				190,917	14	5½
University Lands under Lease, 88,496, at 25s. per acre				110,620	0	0
University Lands unoccupied, 55,173, at 15s. per acre				41,380	0	0
				£342,917	14	5½

ASSETS OF KING'S COLLEGE, INCLUDING UPPER CANADA COLLEGE, FOR THE YEAR 1846.

Nature and Value of Assets.	£	s.	d.	£	s.	d.
Cash and profitable Investments	56,638	16	9½			
Cash for Upper Canada College	1,759	4	0			
Increased value on Welland Canal Debentures	283	10	0			
Proceeds of Sales of Lands outstanding	61,506	11	4			
Interest on Lands in arrears	15,955	0	0			
Rents in arrears, £14,900, take about	7,500	0	0			
Upper Canada College Dues in arrears, £5,352 14s. 5d., say	3,000	0	0			
Town Lots, Block D, Toronto	1,000	0	0			
Buildings and Grounds of King's College and Upper Canada College	45,000	0	0			
				192,643	2	1½
University Lands under Lease, 86,732 3/10, acres at 25s. per acre				108,415	7	6
University Lands unoccupied, 53,245, at 15s. per acre.				39,933	15	0
				£340,992	4	7½

ASSETS OF KING'S COLLEGE, INCLUDING UPPER CANADA COLLEGE, FOR THE YEAR 1847.

Nature and Value of Assets.	£	s.	d.	£	s.	d.
Cash and profitable Investments	59,072	19	9			
Cash for Upper Canada College	17,594	4	0			
Increased value on Welland Canal Debentures	283	10	0			
Proceeds of Sale of Lands outstanding	60,695	4	6½			
Interest on Lands in arrear	15,799	0	0			
Rents in arrears, £14,800, say	7,500	0	0			
Upper Canada College Dues in arrears, £5,523 1s. 9d., say	4,000	0	0			
Town Lots, Block D, Toronto	1,000	0	0			
Buildings and Grounds of King's College and Upper Canada College	45,000	0	0			
				195,109	18	3½
University Lands under Lease, 87,032, at 30s. per acre	130,548	0	0			
University Lands unoccupied, 48,925 4/10, at 15s, per acre	36,694	13	0			
				167,242	13	0
				£362,352	11	3½

STATEMENT OF ANNUAL SALES OF THE UNIVERSITY LANDS IN THE VARIOUS TOWNSHIPS COMPRISED IN THE ENDOWMENT.

Twenty one Years of sale : 1828 to 1848.	Total acres sold
In 1828, there were sold	3,257 acres
In 1829, there were sold	11,746½ acres
In 1830, there were sold	8,620 acres
In 1831, there were sold	8,846 acres
In 1832, there were sold	9,017 acres
In 1833, there were sold	12,862 acres
In 1834, there were sold	7,314 acres
In 1835, there were sold	18,088 acres
In 1836, there were sold	5,385 acres
In 1837, there were sold	5,631½ acres
In 1838, there were sold	2,554 acres
In 1839, there were sold	4,090 acres
In 1840, there were sold	550 acres
In 1841, there were sold	4,708 acres
In 1842, there were sold	8,010 acres
In 1843, there were sold	8,686½ acres
In 1844, there were sold	3,866 acres
In 1845, there were sold	2,445 acres
In 1846, there were sold	4,509 acres
In 1847, there were sold	2,982 1/10 acres
In 1848, there were sold	272 acres
There were sold of University Lands in these twenty-one years	132,439 6/10 acres
Also sold to the Board of Ordnance in 1845, chiefly in Pittsburgh Township	1,617 7/10 acres
Total acres sold, as per above Statement	134,057 3/10

STATEMENT OF THE INCOME AND EXCESS OF EXPENDITURE OF KING'S COLLEGE UNIVERSITY FROM 1ST JANUARY, 1843, TO THE END OF 1849.

Items of Expenditure.	1843			1844			1845			1846			1847			1848			1849			Total		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Dues and Fees	513	5	0	728	9	0	1,049	14	5	900	4	3	1,124	17	1	1,017	13	3	1,091	18	6	6,427	1	6
Interest on Notes of Hand	45	0	10	99	17	2	149	19	9	80	8	2	102	2	8	51	16	10	77	17	8	607	3	1
Interest on Invested Properties	17	7	10	37	16	0	62	12	0	143	16	3	14	7	10	354	1	1	97	5	4	727	6	4
Rent of Invested Properties	.....	..	..	47	12	0	.....	..	..	87	18	0	180	12	9	364	10	1	614	12	1	1,295	4	10
Interest on Debentures and Bank Stock	1,683	4	10	1,947	1	6	1,205	5	7	2,479	14	9	1,205	8	2	1,663	1	11	2,310	18	5	12,494	15	2
Interest on Loan Account	.....	..	..	.....	..	..	210	0	0	66	0	0	90	0	0	277	0	0	60	0	0	703	0	0
Donation	.....	..	..	.....	..	..	50	0	0	.....	..	..	.....	..	..	.....	..	..	.....	..	..	50	0	0
Wellington Scholarship	.....	..	..	.....	..	..	.....	..	..	.....	..	..	.....	..	..	.....	..	..	131	1	0	133	1	0
Detriments	.....	..	..	9	3	8	5	15	5	4	11	6	.....	..	..	.....	..	..	.....	..	..	19	10	7
Interest paid by Doctor Boys	.....	..	..	.....	..	..	.....	..	..	.....	..	..	.....	..	..	.....	..	..	16	10	0	16	10	0
Interest on Sales of Land	2,935	10	0	2,934	6	10	4,375	6	4	3,285	13	7	3,199	3	5	1,831	0	10	1,880	3	7	20,544	4	7
Rents	1,211	5	3	1,350	0	3	1,869	15	3	1,442	12	8	1,390	11	5	2,190	15	11	1,683	15	11	11,138	16	8
Total Income	£6,405	13	9	7,154	6	5	8,981	8	9	8,591	19	2	7,307	3	4	7,749	19	10	7,966	2	6	54,156	13	9
Total Expenditure	6,987	16	11	12,139	16	2	10,623	11	3	11,428	1	6	10,136	19	2	10,810	11	0	11,362	12	5	73,489	8	5
Total Income	6,405	13	9	7,154	6	5	8,981	8	9	8,591	19	2	7,307	3	4	7,749	19	10	7,966	2	6	54,156	13	9
Excess of Expenditure over Income	£ 582	3	2	4,985	9	9	1,642	2	6	2,836	2	4	2,829	15	10	3,060	11	2	3,396	9	11	19,332	14	8

IV. ANSWERS OF MR. F. W. BARRON, THE PRINCIPAL OF UPPER CANADA COLLEGE.

Mr. Barron's Answers to the questions of the Commissioners :—

Qy. When was the first application made for an Imperial Grant?

1. *Ans.* It does not appear. (Vide original grant.) I believe by the present Bishop.

(NOTE.—The application was made by the Legislature in 1797)

Qy. What quantity, and, at what time, was the Grant of Lands made?

2. *Ans.* 225,944 acres, (Vide Grant.) The Grant was made on the fifteenth of March, 1827, at Westminster ; On the third of January, 1828, at York, now Toronto.

Qy. What Land now forms the present University Endowment?

3. *Ans.* It would appear, by the patent under which the University holds, that some change of lands was made. (Vide Patent.)

Qy. When were you appointed to the College Council? In what state was the Management?

4. *Ans.* Eighteenth of November, 1843. From all I saw, I was impressed with the conviction, that no body of men could be more anxious to discharge this, as Members of Council, faithfully. I felt satisfied, however, that persons occupied like myself, with the duties of constant teaching, could not possibly, as the Commissioners are now doing, take up the whole question, involving a retrospect of so many years and such large transactions. The names of those, who had preceded me, as Members of Council, were a sufficient guarantee to my mind, that to the management of the University Endowment honest attention had been given. Such errors as may have been committed, I believe would, from the earnest wish I have ever seen on the part of all to do what was right, fall to the lot of anything short of infallible management.

Qy. Did you suggest any change? If so, was it adopted?

5. *Ans.* When there was a desire to raise, by the sale of Lands, a large sum for the contin. uency (sic) of the University Buildings, I thought that such a portion of that sum should be set apart as would buy, of the Government, at their low prices, the same number of acres as the Council might sell at high prices. By this means the Endowment would not be diminished, as far as Lands were concerned. The cash balance could be applied to the desired object ; and, in process of time, the new Lands would rise to such a value, that no ulterior detriment would be incurred. Such plan has not yet, to my knowledge, been carried into effect.

Qy. Had the Council any distinct object in view in its appropriations? Give particulars.

6. *Ans.* The objects, or purpose, in view, would of course vary from time to time. I have always been given to understand, when I asked the question, that the proceeds of lands sold were invested, and the interest only applied.

Qy. How has the interest derived from Securities been applied?

Qy. Have the receipts from various sources been accounted for separately?

7. and 8 *Ans.* To questions seven and eight, I am compelled to reply, they involve so many difficult and intricate points, for the satisfactory settlement of which I felt would be required the undivided time and united ability of such a Commission as the present, that it was for the express purpose of gaining a candid and just opinion upon them, on which I could rely, that I voted for the appointment of the Commission ; and I think, when the Commission, at the close of their session, shall have taken a retrospect of the time and trouble required of them to arrive at a satisfactory decision, they will consider, that any opinion, hazarded upon less trouble and investigation, than they themselves have given, would be entitled to no weight.

Qy. What would you recommend as to the sale of the University Lands?

9 *Ans.* I should wish to see the Lands sold in such a manner as recommended in answer, number five, and the proceeds invested in Debentures, Stocks, and other Securities, so as to enable all the expenses of the University, of a legitimate kind, to be defrayed, without, in any way, trenching upon the principal,—and the remainder of the lands leased if possible ; I say, 'if possible,' because it is well known, there is an antipathy to holding farms under lease in this Country, where it is so easy to become possessor of the fee-simple.

Qy. In what way should the rents of the University Lands be determined?

10—*Ans.* I think the rents of the Lands should be determined by a money valuation. I believe a "valuation in kind" has been attempted by the Government and failed.

TORONTO, September, 1848. F. WILLIAM BARRON, Principal of Upper Canada College.

CHAPTER III.

MEANS EMPLOYED TO IMPROVE THE CONDITION OF THE ELEMENTARY SCHOOLS OF UPPER CANADA IN 1848.

There were several ways, (as briefly referred to in the preceding Volume of this History,) employed by the Chief Superintendent of Education, to improve the very low condition in which he found the Common Schools of Upper Canada, when he assumed office in 1844. His chief and principal object was to stimulate local effort, by means of suggestions and practical help. Among the means so employed were :—

1. Personal contact and conference with the people in the various Counties, by means of local County School Conventions, which he personally held at various intervals, beginning with 1847.

2. Another means employed was to put into the form of suggestive Circulars, directions for the efficient performance of the specific duties, as required of School Trustees by legislative enactments. Local School Superintendents were also given ample directions for the performance of that most important duty,—the thorough inspection of the Schools, not only in regard to what should be taught in them, but how it should be most efficiently taught.

3. A third means employed by the Chief Superintendent was to send to the School Trustees in Upper Canada, at his own expense and risk, (as he did for two years,) a Monthly Journal of Education,—the first number of which was issued in January, 1848.

4. A fourth means employed was to enlist the personal aid of the Masters of the Normal School in suggesting, from the results of their practical experience, the best methods of managing Schools, and, in the matter of supervision, the most improved modes of inspecting the Schools of the Municipalities.

To accomplish this latter object in the most effective manner, the Chief Superintendent, after conversing with the able Head of the Normal School on the subject, and outlining a general plan, wrote him the following letter, so as to enable him to put the matter in a definite shape and form, and to suggest the best mode of inspecting the elementary Schools. A better authority, on this vital part of School management, could not be had, as Mr. Robertson, the Principal of the Normal School, had been for some years Head Inspector of the National Schools of Ireland, and " Inspector of Inspectors," before coming to Upper Canada.

The Chief Superintendents Letter to the Principal of the Normal School, was dated on the 27th of April, 1848, and is as follows :—

I. SUGGESTIONS AS TO THE BEST MODE OF INSPECTING THE COMMON SCHOOLS.

On the all-important subject of School Inspection, I am anxious to furnish to District School Superintendents and Visitors of Common Schools the best suggestions.

As you have for many years been an Inspector of Schools in Ireland, and subsequently the Head Inspector of the Inspectors themselves, I should be glad to be favoured, for insertion in the Journal of Education, with any observations which you may think proper to make on the Inspection of Schools.

Toronto, 27th of April, 1848. Egerton Ryerson.

Mr. Robertson's Reply, of the 7th of May, 1848, to this Letter, was as follows :—

In accordance with the request contained in your Note of the 27th ultimo, I proceed to offer a few observations, dictated by long experience, on the necessity and nature of School Inspection, and the best method of exercising it.

Among the various important subjects of consideration occupying the attention of the civilized portion of mankind during the last quarter of a century, few have obtained a greater pre-eminence in public estimation than National Education, and the fact that so many enlightened Governments and able and learned individuals have directed their attention to it, has necessarily rendered it a subject of deep and serious interest to every one anxious for the welfare of the State or the future prospects of his family.

The connection of Popular Education with the government of the state and the advantages to be derived in a free country from rendering it an object of state policy and a question to be dealt with by a representative Legislature, present it to our thoughts in a variety of novel phases and introduce us to the consideration of various details that would otherwise have scarcely entered into our calculations. Among these are the nature and necessity of inspection, or supervision of Schools, and the best mode of exercising it.

What is the Specific Object had in view in Inspecting a School ?

The legitimate end of school inspection is to obtain the most thorough information possible on all points connected with the School and, though local circumstances may occasionally limit and modify the species and amount of the information required, yet, as the essential quality of a School is the instruction of the pupils in the different branches of education, the first and principal point, in the inspection of schools, is a careful enquiry into the amount and quality of that instruction. In addition to this, there is a variety of other matters to be attended to.

All the statistics of the School should be carefully examined into, such as the number of pupils on the books, at the date of inspection, the highest number belonging to the School during the previous six months, the average attendance during that period, or since the foregoing visit, the numbers learning the different branches, the rates and amount of payment, if a pay school, etcetera. The state of the School House and its furniture should also be looked to, particularly with reference to repair and neatness, the supply of requisites and school apparatus noted, and the deficiencies accurately ascertained ; and the description of Text Books in use by the children examined, in order to prevent the introduction of any of an improper character, and to encourage a sufficient supply of those best adapted to the purposes of instruction. Too much pains, also, cannot be bestowed on the character and qualifications of the Teachers ; these matters were, of course, attended to before his appointment ; still, at every visit of a Superintendent, they should be taken note of, as a Teacher may fall into habits of immorality, or neglect, highly prejudicial to his School, or may omit to use the requisite exertion for his own improvement.

A Superintendent should also watch closely the demeanour and bearing of the pupils in the School, with the view of ascertaining the mode of control adopted by the Teacher, whether it is merely harshness, with its attendant slavish fear and sullen submission, or good-humored firmness, with its concomitant, willing obedience. Such particulars will aid him in forming a just estimate of the attention paid to the moral training of the pupils, for which purpose he should also see them at their sports, if possible.

Such are the chief points of enquiry in the discharge of the duty of a local Superintendent.

Inspection of Schools is Necessary, as a Prudential Act in the Interest of the Public.

Of the necessity of a careful inspection of schools established by the State for the education of the people, no reasonable doubt can be entertained, were it only on the ground that the conduct of all who receive the public money should be, in some shape or other, open to supervision. It is impossible to conceive the great importance of the actual instruments of such an education I mean the Teachers of Common, or National, Schools. They should not be placed in a position in which they would not receive and be materially benefited by such supervision.

No one will deny, that, among so many individuals, discharging comparatively subordinate though honourable duties, there must be some for whom a system of surveillance is necessary; while, even the best can scarcely be supposed to be so highly qualified as not occasionally to require the advice and instruction of those whose superior acquirements and experience have rendered them competent to afford such assistance. Besides, in all extended systems, whether applied to education, or not; the experience of the world has uniformly proved the necessity of some such machinery; and instances can be quoted in the history of state education where unexpected enquiry has revealed gross neglect of duty, to say the least, even among those whose social position alone might be considered a guarantee for honesty of action.

The Method of Inspecting a School is a matter of Prime importance.

The most important subject of consideration, however, is the method of inspecting a School.

Although local circumstances, or official requirement, may limit the duties of a School Superintendent, and direct his attention to particular details, to the exclusion of others, yet, speaking in general terms, as regards schools established and supported by public funds for the education of the people, a careful and accurate inquiry into the literary progress of the scholars is so essential that I look upon inspection without it as a farce. I conceive it becomes highly important to ascertain the most advantageous method of conducting such an inquiry. This method can, I think, be pointed out in a few words :—

The Superintendent, at each visit, should examine all the classes in every branch of education in which they may be receiving instruction. Of these examinations he should keep careful notes, to enable him to compare the result of each visit of inspection with that of the preceding one.

These notes should have reference to all the details connected with the School, but more especially to the number of pupils engaged in the different branches of study, and their proficiency in each one. By this means the Superintendent will be enabled to form a tolerably accurate estimate of the progress of the School in all essential particulars.

In forming such an estimate, however, various particulars should be taken into account :— such as the general backwardness, or otherwise, of the locality, the previous habits of the children, and, above all, the regularity, or irregularity, of their attendance; all of which have a direct influence on the advancement of the School. Perhaps the most active of these is the character of the attendance; and a few observations thereon may not be deemed irrelevant :—

School Inspection should include Inquiry into Causes of its non-improvement.

1. There are very many circumstances materially affecting the attendance of pupils at Common Schools. In some places the labour of the children is so valuable on the farm, or in the house, that they cannot well be spared; occasionally insufficient clothing is the alleged excuse; but, in most instances, the real cause is the apathy of the parents, which is such as to render them altogether indifferent on the subject. This is, unhappily, too frequently the case.

2. In all the grades of life, persons are to be found ready to overlook, or neglect, the importance of those details which do not appear to affect their interest immediately. Many otherwise sufficiently enlightened people fancy themselves altogether uninterested in the measures adopted for the moral and intellectual culture of the youth of both sexes of their fellow-country men, because, perhaps, they chance to be without children, or in a position not likely to render them direct participators in the operation of such measures, forgetting althogether that few public measures have a more specific and powerful influence on the well-being of society than the nature and extent of National Education; and such persons strenuously object to undergoing trouble, or difficulty, in the cause, on the ground that it does not immediately affect themselves, —though they do not refuse to aid in the support of numerous other public arrangement equally indirect in their application, but which appear to be more familiar to them.

3. A very pertinent example of a similar line of conduct is afforded by numerous uneducated parents, who, conceiving that they have been tolerably successful without education, cannot be persuaded of the advantages to be derived by their children from that inestimable gift; and this feeling is usually the immediate cause of that irregularity of attendance which so frequently obstructs the progress of rural Schools, and renders it so difficult for an Inspector to form a just estimate of their progress.

4. It will often occur that, of twelve children present in a certain class at one examination, only one-third will be found to be present at the following examination, though the class may be greatly increased in numbers. Under such circumstances, of course, a Superintendent can form little, or no, judgment of the improvement of that class, —the majority being pupils whom he has not before examined; and he will have to consult the records of the School to ascertain the number on whose answering he may have to depend to enable him to form a comparative estimate.

5. Indeed, it will be found useful, in every instance, before commencing the examination of a class, to scrutinize the roll, and to observe how far the different individuals of the class have attended regularly, or otherwise. If the Superintendent does not possess some information on this point, he can scarcely fail to do injustice to the Teacher, who is accountable for the improvement of the scholars, but whose efforts must necessarily be materially impeded by the irregularity alluded to. It is the more requisite also to attend to this particular, as inefficient, or careless, Teachers perpetually quote the defect in question as a cause for the backwardness of their pupils.

6. In conducting the literary examination, great care and attention are requisite. A mere series of questions on the particular subject under consideration is, by no means, all that is necessary. The duty of a Superintendent of Schools is not merely to ascertain the acquirements and improvement of the pupils, but to afford information to the Teacher on every point connected with the management of his School ; and one of the most important of these points is the mode of teaching. Presuming, therefore, that in schools supported by public funds, a uniform system is recommended, and, on experience of its efficacy, finally adopted, that system, whatever it may be, the Superintendent should exemplify, in his examination of each class. In this way his visits can be made far more essentially useful than they would be were his efforts limited exclusively to the collection of such information as would enable him to furnish the desired report. He can, in many instances, aid the Teacher in supplying the defects arising from want of training. This may be made peculiarly useful to those who, from age, insufficient pecuniary resources, or other causes, are unable to attend a Normal School.

On What Two Things depend the Well-being of a School ?

And here I may mention the two particulars on which the well-being of a school may be said chiefly to depend, and which should consequently claim special attention from the Superintendent ; they are : mechanical and intellectual training. In the former are included all the various details of discipline, the classification of the pupils, a careful division of time for each object of study, regularity of pupils in passing to and from the desks, mode of their standing when engaged in any lesson, particularly the due inculcation of habits of neatness and order, et-cetera.

Intellectual training enables the Teacher to address himself to and educate all the faculties of the mind, instead of depending altogether on the memory. The memory is exercised to most advantage in classes ; and, the great secret then is, to awaken and keep alive attention, which may easily be effected by a spirited, energetic method and unvarying good temper on the part of the Teacher. Whenever such a mode of teaching by lecture is adopted, each individual of a large class, will be found to learn more speedily and with greater ease to himself than he would alone.

Special Suggestions to the local School Superintendent.

To all these points the attention of the Superintendent should be carefully directed. Besides examining the classes himself, he should require the Teacher to give instruction to the pupils in his presence, with the view of thus being enabled to form a satisfactory estimate of his efficiency ; he should moreover endeavor to make each visit a source of gratification to the pupils, and, in general, require the School, during his inspection, to go as nearly as possible through its usual daily course. For this purpose, he should call out each class himself, observe how far the pupils adhere to the required discipline and show themselves familiar with it from constant practice,—coming out of their seats without confusion, and arranging themselves in their accustomed places with regularity and precision. He should ascertain, by personal examination, not merely the literary progress of the classes, but how far that progress has been produced by the adoption of the system here proposed. He should be careful to do all this without entertaining, and, above all, without exhibiting, any suspicion of the Teacher's efficiency. Certainly the mere fact of the necessity of inspection, on the one hand, infers the possibility of neglect on the other ; but it would be most ungracious and unfair to the Teacher to proceed at once with the inspection, as if impressed with the conviction that such neglect existed.

Kindness, Firmness and Tact essential on the part of a School Superintendent.

All this can be affected by the exercise of good humored kindness, coupled with firmness and tact ; indeed, I know of no qualifications more essentially necessary for a Superintendent of Schools than these. I have known Inspectors, partly from natural temperament, partly from a mistaken desire to discharge their duty strictly, exhibit so much harshness, in the course of their visits as absolutely to terrify both scholars and Teacher, and consequently, in the end, to leave the School with a most unfavorable impression of its merits. This is in every sense unjust and unwise, and should be most carefully avoided. The Teacher should invariably be treated with

courtesy and respect,—particularly in presence of his scholars,—and, whenever a School Superintendent may deem it necessary to find fault, it should always be in private, and with kindness, as well as firmness; any other course will lessen the Teacher's authority and consequently impair his utility. Besides being a public servant, the Teacher, as well as the Superintendent, is an Officer appointed by law to administer the system under which they both act; and no difference of official rank should, for an instant, be admitted as an excuse for a harsh and overbearing exercise of authority.

In addition to his actual duties in the School, as above indicated, a Superintendent should endeavour to make himself acquainted with the feeling of the neighborhood on the subject of education, with the view to removing prejudice, supporting the authority of the Teacher, where necessary, and obtaining such local information as will enable him to afford valuable advice and suggestions on the occurrence of occasional difficulties. The more kindly feeling a School Superintendent exhibits towards the Teachers and pupils in his District, and the more anxious he shows himself for their welfare, the more efficient and valuable will his services be, provided, of course, that he is in other respects competent.

The Question of the advantages of frequent inspection.—Local visits desirable.

In the arrangement of a system of School inspection, there are two material points deserving of consideration; one is, the number of inspections that should be given in each year, and the other is the propriety of giving previous notice of each visit. On both these, but little deliberation is requisite, so as to enable any one of sufficient experience to arrive at a correct conclusion.

State Educational Establishments have, I believe, in general, commenced with only one inspection in the year. I witnessed the experiment for a period of six years, and have no hesitation in pronouncing it a failure. It may produce certain requisite statistical returns, but is comparatively worthless in the grand object of affording encouragement to the Teachers and Pupils, and examining sufficiently into the nature and extent of their literary progress; besides, if the system to be acted upon be of a nature to require a strict adherence to certain rules, a merely annual inspection must be clearly ineffective in enforcing it. Four these purposes fewer than four inspections each year will be found insufficient. I speak with reference exclusively to the superintendence of the Schools by the appointed Officers, and without the consideration of the visits of individuals, or Committees in the neighborhood locally interested. Such, doubtless, should always be encouraged, provided they do not afford opportunity for undue interference on the part of ignorant, or inexperienced, persons. The ability to discuss with advantage, and judge with sagacity, of the efficiency of the systems of teaching adopted, and the organization of schools, requires considerable experience; and no system, whether applied to education, or anything else, can be carried on successfully, when unqualified persons attempt to overrule and control it. Let it be satisfactorily shown, to be advantageous to the community, and then vigorously worked.

The Inexpediency of giving notice of the Inspector's proposed Visit.

With reference to the other point, the expediency of giving previous notice, I have no hesitation in stating my conviction that such a practice must, to a certain extent, defeat some of the very objects of inspection; one of which, confessedly, is, to see the School in its every-day-working order, otherwise the Inspector is deceived, and a false impression is produced on his mind. It is scarcely possible for the best Teacher, if informed of the intended visit of the Superintendent, to avoid preparing for it, and the more carefully he does it in proportion to his anxiety to produce a satisfactory result. He has the School-Room cleaned up, the children warned to attend punctually, and their personal appearance specially looked to. He also sends round to collect all his scholars, and thus the School is exhibited under the aspect, it may be made to assume by undue preparation for a particular purpose, but which may be, and usually is, very different from its general every-day-condition; and the Teacher unconsciously injures himself by introducing among his classes a number of children, belonging, doubtlessly, to the School, but who, having attended irregularly and been called in only for that particular day, are unable to answer with the requisite precision. Moreover such a mode is apt to foster a system of general slovenliness in the School, by affording opportunities for preparation on "show days", and also offers to ill-inclined Teachers great facilities for deception. Nor can any Teacher justly complain that, by not receiving previous notice, he is deprived of the opportunity and means of exhibiting his School to the best advantage; the true test of the superiority of his School undoubtedly being its fitness for inspection at any moment. Moreover, Teachers should recollect, that the object of such inspection is not to afford them opportunities for display, but to enable the Inspector to procure satisfactory evidence as to the real state of the Schools, for those appointed to administer, for the public benefit, the funds allocated by the State for the education of the people.

THE TIME NECESSARY AND REQUIRED FOR A SATISFACTORY INSPECTION OF A SCHOOL.

I am aware that the mode of inspection, now described in general terms, would occupy considerable time ; in fact, a well-organized School of fifty children cannot be satisfactorily examined under two hours and a half ; and one of similar size, but undisciplined, and under a Teacher unaccustomed to improved methods of teaching, would require a much longer space of time, from the necessity of affording to such a Teacher the requisite information and instruction. But I have spoken throughout with referrence to inspection in general, without limitation to any particular Country, and under the conviction that the important and onerous duties of School Inspection in a large District are sufficient to occupy the time and engross the attention of the appointed Officer as thoroughly as can possibly be the case in any other profession.

I have purposely avoided touching on the official details connected with the inspection of Schools, such as in nature of Superintendents' Reports, the mode of making them most effectively useful, in regards to the votes taken and remarks generally, as there are extraneous matters which must depend altogether in the arrangements of the system with which the Inspector has to do. I have also omitted to advert to the duties of Superintendents with reference to Religious Instruction, notwithstanding its extreme importance, as such duties must, from the nature of the subject, be regulated by different considerations and by specific law, or Regulations.

I have endeavored to render the foregoing observations as practical as possible ; they are the result of many years experience in the duties of actual inspection, in the management of a Department having charge of all the details connected with the subject, and finally in the capacity of Chief Inspector, in which it was part of my duty to report upon and to direct the mode in which the Local Superintendants discharged their duty.

TORONTO, 7th of May, 1848. THOS. J. ROBERTSON, Head Master of the Normal School.

II. NECESSITY AND IMPORTANCE OF SCHOOL TRUSTEES MAKING FULL AND ACCURATE RETURNS TO THE DEPARTMENT.

The Statistical and other Returns sent to the Department by the School Trustees, in 1847, through the Local Superintendents were most meagre and incomplete. The Chief Superintendent's Report for that year was, therefore, very defective in consequence. To prevent a recurrence of such neglect, or thoughtless carelessness, on the part of Trustees, the Chief Superintendent issued, in 1848, a suggestive Circular to the Inspectors on the subject, giving them full directions as to how the Trustees and Superintendents could best perform this part or their necessary duty. The Circular was as follows :—

Several weeks since I transmitted to you blank forms of School Reports for the current year for all the Trustees of Common Schools in your District. Though it is not the required duty of this Office to do more than prepare a general form of such Reports, I have thought it advisable to do the same this year as last—finish a copy of such form for each Corporation of School Trustees throughout the Province. I have also appended to each of those forms directions for filling them up, and have made the headings of the several columns so plain, by the introductions of explanatory words, that Trustees will not, I hope, be at a loss, or liable to mistake in filling them up this year, as was the case in some instances last year. I take it for granted that you have duly distributed these blank forms of Reports to the several Trustee Corporations of your District, with the requisite directions for their return to you early in January, correctly and properly filled up.

In addition to these blank forms of Reports for Trustees, I have prepared and transmitted a blank form of District Report for yourself, the paper selected and ruled for the purpose, the printed headings attached to the sheets, and the several sheets joined together, and arranged in the form most convenient for you to fiill up.

SUGGESTION FOR THE FILLING UP OF THE DISTRICT SCHOOL SUPERINTENDENTS' REPORTS.

It only remains for me to offer some suggestions in respect to your own Report for the current year ; for, in consequence of omissions and defects on the District Superintendents Reports of last year, upwards of three months additional labour for one person, (Mr. Hodgins), was thrown upon this Office. The columns of only four of last year's local Reports were added up at all ; and only two of them contained abstracts of the Reports of the several Townships

mentioned ; and only a few of them presented any general review. or summary observations on the real, or comparative, state of the schools in the respective Districts. Nevertheless, the District Reports of last year were more accurate, and more comprehensive than those of any preceding year ; and I regret that the Provincial Report for last year cannot be printed previously to the meeting of the Legislature, before which it must be laid,—as that Report is designed to exhibit the progress which has been made in the several departments of the Common School System, . . . [based upon] the various new school statistics which have been furnished in the last Reports of the District Superintendents, and the . . . school statistics of the several Districts.

Practical Suggestion, so as to ensure Accuracy in the Statistics Reported.

1. The first suggestion I desire to make relates to filling up all the columns referring to each school. For instance, in some cases where there may not be reported to the District Superintendent the exact length of time a School may have been kept open, or the exact number of pupils attending the school, he should not leave the columns blank, but should set down what he thinks is correct, with a remark to that effect. All such omissions reduce. or prevent getting anything like the correct average for the whole Township, or District, relative to the number of pupils attending the School, or the time that these Schools are kept open. The same remark applies to omissions or any other subjects embraced in the Reports. The Districts Superintendents, from their own local knowledge, and the experience and Reports of past years, can approximate the truth respecting such items as may, in some cases be omitted in local Trustees' Reports. Attention to this suggestion on the part of both Trustees and District Superintendents, lies at the foundation of full and complete statistical school returns for Upper Canada.

2. My second suggestion is, that the returns for each Township should be accurately added up, the total under each head set down, except in those columns which require the average attendence of pupils and the average salaries of Teachers to be given ; which averages should also in all cases be inserted.

3. The third suggestion is, that an abstract of the Reports for the several Townships be made at the bottom of each sheet, under the several heads contained in such sheet ; and then an average under the several heads for the whole, District.

4. I beg also to suggest, that the number and salaries of male and female Teachers in each Township be distinctly stated, and the average salaries of each, (whether with, or without, board,) be given ; and then the average salaries of each class for the whole District. The religious faith of the Teachers should also be stated, as directed in the Book of Forms and Regulations, and provided for also in the Trustees blank Reports.

5. In respect to the money columns of your Report, in that under the head, "Amount received from the Chief-Superintendent," should be set down what you apportioned to a School Section from the Legislative Grant, and not what you may have paid to such section out of said Grant ; and under the head, "Amount assessed by the Municipal Council," should be set down what you have apportioned to such Section from the Council Assessment of the School Fund, and not what you may have paid such Section from that source. The column headed, "Amount received from other sources," should specially include what may have been opportioned (if any) to each Section from previous years' balances of the School Fund. The column headed "Balance still unappropriated" should embrace the balances available from all sources (including Rate-bill, etcetera,) and not merely the balance of the School Fund which may be in the hands of the District Superintendent. The amount of this latter balance will be shown by the District Council Auditors' Report, which should accompany the Annual Report, of the District Superintendent. I may also add, that the items which are contained in the two, or three, columns of the Trustees' Reports, for which there are no corresponding columns in the blank Reports for District Superintendents, can be inserted in the columns (by erasing the present and inserting the headings required) of the sheet devoted to District Model Schools,—as there are at present but two such in Upper Canada.

Efforts Made to Improve the Character and Conditions of the School Houses.

6. Very little definite information was furnished by the local School Reports for last year, relative to the condition and character of the School-Houses. I observe from semi-annual Reports which have been laid before the Brock and Bathurst District Councils, at their late Session, that this subject has engaged the special attention of the excellent School Superintendents of those Districts, and that their Reports, faithfully pointing out the defects in this and other departments of their Common Schools, and containing many valuable suggestions for their improvement, are being printed and circulated under the auspices of the Councils. Should a similar course be adopted by the Superintendents and Councils of other Districts, immense

benefit would result to our Common Schools generally. I hope you will furnish as definite and full information as you can in your next Annual Report on the condition of the School-Houses in your District.*

SUGGESTIONS AS TO REPORTING THE NUMBER OF GRAMMAR AND PRIVATE SCHOOLS: LIBRARIES.

7. It is important to embody all the information you can obtain as to the number and character of Private and Grammar Schools and other local Seminaries of learning, and Public Libraries of different kinds in your District; as also a view of the general state of the Common Schools, and the sentiments and feelings of the people on the subject of Education, as compared with preceding years. An intimate and thorough elucidation of the educational state of a Country, together with the result of any means which may have been employed for its amelioration, is a most important step towards its further advancement.

8. I need scarcely observe how much perplexity and trouble are occasioned by any oversight, or inaccuracy in local statistical reports; and while I have provided you with the necessary blanks, carefully prepared and arranged, I feel confident that no efforts will be wanting on your part to render your Report as correct and complete as possible. I have only to add, that as I desire to prepare the Provincial Report of Common Schools for the current year before the close of the ensuing Session of the Legislature, I have to request that you will transmit your Report by the first of next March at the latest, and as much earlier as possible. If all the School Assessments are not collected before that time, let them be so reported.

TORONTO, 15th December, 1848. EGERTON RYERSON.

*In order to enable the District School Superintendents to perform this duty more satisfactorily, various plans of School Houses, and suggestions as to their construction and ventilation, were inserted in the *Journal of Education* for 1849, and in subsequent Volumes.

CHAPTER IV.

THE UPPER CANADA SCHOOL SYSTEM AS VIEWED FROM OUTSIDE.

It is interesting to recall, after more than fifty years have elapsed, what was the estimation in which the then tentative School System of Upper Canada was held by two such competent persons, unconnected with its administration, as were the Honourable Sir John B. Robinson, Chief Justice of Upper Canada, and Doctor J. B. Meilleur, the first Chief Superintendent of Education for Lower Canada.

Per contra, I have added the adverse criticism of the Honourable Robert Spence on the proposal to support the Schools by a rate upon property.

I. THE UPPER CANADA SCHOOL SYSTEM, AS VIEWED BY CHIEF JUSTICE SIR JOHN BEVERLEY ROBINSON.

In his address to the Grand Jury, at the Assizes which he held in Cobourg in October, 1848, Sir John B. Robinson, after referring to the then lamented death of the Honourable Mr. Justice Jonas Jones, thus referred to the School System then in operation in Upper Canada:

There is no part of this population at present, I think, so far removed from the influence of good instruction, and example,—so wholly destitute of the means of improvement, and left so much without restraint, or observation to the indulgence of bad passions, as many of the people unavoidably were, in the earliest settlement of this Country.

There is much that is unfavorable to the growth of Religion and Morality in the struggles and privations of the first Colonists; but happily this stage of our history is past. Independence, comfort, and leisure, are producing now their fruits, and an improved condition of life is everywhere visible.

Then, again, the measures taken, and the means supplied, for the Education of the People in the Township Schools is certain to have a most happy effect at no very distant day, in elevating the character of the industrious classes. This effect must necessarily be gradual; it cannot in the nature of things be immediate; but, it is very cheering to reflect that in whatever degree it may come to be felt year after year, in that degree it will be felt universally throughout the whole extent of the Province; for this agent of certain and incalculable good is at the same time working in every corner of the land, and upon the same sound system.

I do not speak of the system of supporting and governing these Schools, which seems not to have gained entire assent, and which may, for all I know, be capable of material improvement; I speak only of the System of Instruction which it is designed to impart through their instrumentality, and of which I believe that, if it shall be faithfully persevered in, and carried through upon the principles, and to the extent exemplified in the present conduct of the Normal School now established in this Province, it is capable of raising the character, and increasing the happiness, of the great body of the people to a degree which can hardly be estimated.

I had very lately an opportunity of witnessing the course of instruction, by which a numerous body of Teachers are being framed and qualified in this Provincial Institution for the duty of conducting the Township Schools, and no one, I think, can be present at such an Examination, as I allude to, without feeling the conviction that, if the Legislature shall wisely persevere in supporting this liberal System of Education for the multitude, and if the very able men who are now engaged in conducting it, shall be encouraged by the approbation and cordial concurrence of the people for whose best interests they are toiling in an arduous and anxious round of duties, there will be an improvement worked out in the general public condition of this Country, and in the social and individual welfare of its inhabitants, which a few years ago, it would have seemed visionary to contemplate.

It is not only that the instruction in the Common Schools superintended by Teachers who have been so prepared, will make a happier, because a better and more intellectual being of the pupils who receives it, but it is when those pupils who have been so trained, and taught, become parents and heads of families and, in that relation, Teachers, whose lessons will be most trusted and longest remembered, raising, by there precepts and examples, the standard of intelligence and moral character in the generation which they are for a time to govern, and by which they are to be succeeded ; it is then that future Judges and Jurors may look for the benign and all-prevading influence of this benevolent and comprehensive measure of School education.

II. THE UPPER CANADA COMMON SCHOOL SYSTEM, AS VIEWED BY DOCTOR JEAN B. MEILLEUR, CHIEF SUPERINTENDENT OF EDUCATION FOR LOWER CANADA, 1842-1852.

The legislative grant in aid of Schools under control in Lower Canada is a share of £50,000, according to its population, as compared with that of Upper Canada, which receives yearly the other portion for the same object. . . . . .

As the Superintendent of Education for Upper Canada says, in his last and interesting Report on Education in that Province, it is in the power of the people to raise up Teachers ; if the people understand their own interests well, they will be anxious to procure good Teachers, and if they wish for able Teachers they must pay them suitably, as they pay able Lawyers and Physicians. . . .

The last Report of the Superintendent of Education for Upper Canada informs us, that the average annual stipend of Teachers in that section of the Province is £29, ($116,) per annum, while the annual stipend of Teachers in Lower Canada is £36, ($144.) In the State of New York, in that of Vermont, and in the greater part of those known as the New England States, the annual stipend of Teachers is also £36. In this respect, at any rate, we are not behind Upper Canada, and a number of the United States. In France, the Teachers have each a salary of 200 francs for an Elementary and of 400 francs for a Superior Primary School.

. . . . . .

And, if it be objected to me, that the present School System of Lower Canada is superannuated and of too old a date for the necessities of the age,—my reply is, that, as far as we are concerned, it is still a new system, since we have only just begun to put it into practice, and that, though, as yet, little known, it rests, nevertheless, on a real and immutable basis, since this system is that which is in operation in all constitutional Countries, where a popular system of education is in operation,—and that long experience acquired elsewhere, and more especially by our neighbors in the United States, and, of late, so successfully in Upper Canada, proves to a demonstration, that the fundamental principles of these Education Laws of both Provinces are those which are consistent with the necessities of the free and enlightened Nations of modern times.

* * * * * * * *

If, in order to meet the wishes of the inhabitants of certain localities in Lower Canada, an Education Law were passed, having for its basis the system of voluntary contribution, for the raising of a sum equal to such portion of the Legislative Grant as the inhabitants, or the School Commissioners might think fit, on conditions, purely optional, and, therefore, voluntary, it is certain, that there would be in the law neither that regularity, uniformity nor certainty, in its operation which it ought, of necessity, to have ; still less could it have those important and desirable results, the attainment of which the Legislature and all true friends of education, and all those who wish to see their Country prosperous and happy, ought decidedly to keep in view. A system of this kind was tolerated under the Provincial Education Acts of 1841 and of 1843.

* * * * * * *

Nevertheless, no one of these provisions of the Lower Canada Act is to be found in the Common School Law of Upper Canada, passed by the same men, in the same Session of the same Parliament, although the School Superintendent for that portion of the Province mentions in his last Report, that, in several localities, the preceding Act, based on the same principles, would not work at all. For those, also, the word "Tax" has been made a handle of;—coercion has had its opponents, and the two last Common School Acts of 1841 and 1843 their opposition.

Out of 2,925 School districts in Upper Canada, 336 were apparently without Schools in 1846 ; and the local authorities of 20 Townships had omitted to send School Returns to the Superintendent-in-Chief of Education for that year. . . . . .

In the Lower Provinces, and in several of the United States, where nothing is spared in providing for the education of the children of the people, and where the people are so prosperous, the general working of the School Law is entrusted to a single Superintendent for each State.

EVEN PROSPEROUS FARMERS OF UPPER CANADA COMPLAIN OF THE SCHOOL TAX.

There are, it is true, twenty-two local School Superintendents of Education in Upper Canada, whose salaries are paid by a special tax, levied for this purpose upon the inhabitants. by the Municipal Councils. But the inhabitants of Upper Canada, living on a soil and in a climate much more favourable for agricultural purposes, are rich in comparison to those of Lower Canada ; and yet they complain of this provision in their Law, and their Common School Act does not work better there than ours does here, although they have no political aspirants to decry the law for the sake of gaining popularity with the inhabitants. If I had not a knowledge of these notorious facts from other sources, I might support my statement by the grave and elaborate Correspondence upon the subject of education, inserted in the *British American Journal*, published in this city. * * * * * *

If the proposed measure has its good side, it has most assuredly also its bad side. It would be absolutely necessary that our local Superintendents should, as in Upper Canada, be indemnified for their disbursements and travelling expenses, and paid for their time and trouble. by means of an additional tax to be levied on our poor country people. . . . .

Under the Upper Canada Education Act of 1843, the Provincial Secretary was *de facto* the Superintendent of Education for that portion of the Province, having an Assistant who, under his direction, was bound to do everything which the law required of the Superintendent. Now, the Office of Provincial Secretary was necessarily, as such, a political one, and thus a political character and influence were, in effect, given to the Upper Canada Department of Public Instruction, which was pleasing enough, it is true, to the Ministerial party, but which was repudiated by the opposition. The consequence was that the Assistant, as well as his superior, had both to encounter a strong resistance from the opposite party. . . .

Under the Elementary Education Law of the State of New York, on which that of Upper Canada is based, the Secretary of the State is, *de facto*, the Superintendent of Public Instruction, with an Assistant ; but even now, feeling the inconveniences to which I have alluded above, the people demand that the Department of Public Instruction be made independent of politics, as it is in the Eastern and Western States. . . . . .

A "Journal of Education" is published in several of the United States, and that of the State of New York might serve as a model of the kind. It is the vehicle of communication between the Superintendent of Public Instruction, who is the ostensible Editor, and those who are called to take part in the execution of the School Law and it is thus a direct and certain means of intercourse, as advantageous as it is easy.*

III. THE HONOURABLE ROBERT SPENCE ON THE SCHOOL ACT OF 1847.

This adverse criticism on the Common School Act of 1847, for Cities and Towns, by the Honourable Robert Spence,—a prominent public man,—appeared in his Newspaper,—the *Dundas Warder*, of the 12th of May, 1848. He said :

We lately noticed the new light thrown on the School Act of 1847, as applicable to Cities and Towns. Rate Bills can no longer be enforced. The support of the Common Schools is now thrown on the inhabitants at large, those sending, paying no more, than those who have no children to send, or who think fit to send elsewhere. The principle now disclosed is unjust, arbitrary, and inapplicable to the circumstances of Canada, more than this—it is pregnant with the worst evils to the character and efficiency of our Public Seminaries of instruction.

The tie which, heretofore existed between the Teacher and the parent of the taught, is severed. Irresponsibility is the consequence; and it becomes a matter of total indifference now how Schools be conducted. so long as the Teachers' salaries be provided. The people of Upper Canada do not require a pauper system. They have never hesitated to consider the cost of tuition for their children as a just debt, and the charge of making due provision for that tuition, as a sacred duty.

It is just, that the Government grant aid in the support of Schools, it is just, too, that as property is protected and enhanced in value, in proportion as Education in the land progresses, that property should be taxed ; but it is not just, that the entire burden should be taken off the shoulders of those, who directly receive the benefits to be derived from Education, and thrown on those who do not directly receive any. If our Schools are to be supported by the public, that is, if they are to be thrown open to all without any cost to those, who receive the direct

* Since the month of January last, (1848,) there has been published at Toronto, under the auspices of the Superintendent of Education for Upper Canada, a *Journal of Education*, which promises much for those to whose use it is designed, and for the interests of the cause of Education generally.

benefits, then let them be supported from the School Lands of Canada ; let the residue of the vast estate granted for Educational purposes, be applied to Common Schools, but let not the burden fall solely on the industrious.

It is rather strange, that this new feature should only be discovered, or acted on, now, after the lapse of a year. Doctor Ryerson does not hesitate avowing himself the author of the amended Act. How has it occurred that, as Chief Superintendent, he did not unfold this wholesale taxing principle before ? And if it really was the intention of the Superintendent, or of the Legislature, to make the support of Town and City Schools, a charge on property, why has it been necessary to submit a case on the subject to the late and present Law Officers of the Crown ? We need not say, that the system is unpopular ; we need not say, that the whole Act is unpopular ; and we need scarcely say, that the one to amend it, is not calculated to remove unfavourable impressions. We fear, that there is something not only dark but mischievous in this arbitrary enactment. When there is something to be paid, duties are expected to be performed. Where this is not the case, there is room to fear that lukewarmness, on the one part, and the prosecution of an arbitrary system on the other, will be the result.

When parents pay, they will be vigilant and jealous, in reference to the moral and mental improvement of their children. If they be taught to suppose, that they pay nothing, the check they should naturally interpose is destroyed. We recollect hearing the honourable R. B. Sullivan, in glowing terms, denounce the Centralization System,—the relieving (?) the parent of his natural rights. Is not this something like it ? What right now has the parent to interfere more than any one else ? it is not for his child he pays, it is for his property. Some experience in these matters, leads us to fear, that one of the greatest evils, which could befall a School, will be the inevitable consequence of the new system. Many parents will feel that, as they have nothing to pay more than others, the irregularity in the attendance of their children will entail no loss ; and, as the loss of attendance cannot effect the support of the Teacher, no means will be applied to remedy the evil.

There are a number of other evils growing out of this, which we cannot now consider The taxing feature will be, for some time, enough to occupy attention, and we are quite sure, that it will be viewed as one most unjust and impolitic.

In reference to our Town School,—the charge of which devolves on the Town Council—it must be supported by the odious system of compulsory taxation. It will not last long, we are satisfied, but still it will be felt as oppressive. However, the School must not be closed. The people must pay. We shall see, whether the new system will have the effect of diffusing more knowledge, and better morals in our community.

Questions on the School Act of 1847 submitted to A Law Officer of the Crown.

The following are the questions proposed, to one of the Law Officers of the Crown, by the Chief Superintendent of Education, and answers given, in reference to the precise meaning of the amended School Act of 1847, referred to by Mr. Spence :—

Question submitted by the Chief Superintendent of Schools for Upper Canada, to the Honourable J. Hillyard Cameron, while Solicitor General, with his Reply thereto :—

"Whether, by the amended Common School Act of 1847, Tenth and Eleventh Victoria, Chapter Nineteen, the Board of Trustees of Common Schools for the City of Toronto, have authority to impose a Rate Bill upon parents, or guardians, sending children to their Schools, or whether it is the duty of the Board to lay before the Council, an estimate of the sum, or sums, (in addition to the amount of the Legislative Grant,) necessary to support the City Common Schools, and for the Council to provide the same by assessment ?"

Reply "In answer to your communication of the first instant, on the subject of imposin a Rate-bill by the Board of Trustees of the City of Toronto, under the Common School Act of 1847, Tenth and Eleventh Victoria, Chapter Nineteen, I am of opinion, that an Estimate of the amount required, should be furnished to the City Council by the Board of Trustees, and that the same should be raised by assessment on property, under the authority of the City Council,"

The Copies of Questions submitted by the Chief Superintendent of Schools, to the Honourable Mr. Attorney General Baldwin, with the answers thereto, are given in the Case of the City of Toronto, on page 71 :—

IV. THE TEACHERS OF THE GORE DISTRICT ON THE SCHOOL ACTS.

In support of the adverse views of the Honourable Robert Spence on the general assessment principle, introduced into the City and Town School Act of 1847, he published in the *Dundas Warder*, a copy of the proceedings, on the subject generally, at a late meeting of qualified Teachers of the Gore District.

The report of the Committee on the School Law generally was read, and upon it the five following Resolutions, were founded :—

Resolved 1*st*, That the present School Bill is not adapted to the state of the Country and the present demands of education ; it is inefficient from its unwieldly and cumbersome machinery ; is sectarian in its tendency ; causes a waste of means, and imposes on those appointed to carry out its enactments, duties so indistinct and laborious as to produce an insuperable apathy in regard to a subject which demands, and is worthy of, the cordial encouragement of every member of the community.

Resolved, 2*nd*, That we conceive that this has arisen chiefly from the fact, that the framing of the Act has been entrusted to [the Chief Superintendent], a party, who, from his former advocation did not possess the practical experience in the subject legislated on, which could be expected primarily to qualify him for accomplishing, what has, in Canada, been found so difficult a task, namely, the framing of an efficient and satisfactory School Law.

Resolved, 3*rd*, That, in our opinion, such an enactment is not attainable till the assistance of individuals having theoretical and experimental knowledge of the business of education, be made available in the framing of such a law.

Resolved 4*th*, That we deem it to be our duty, as Teachers, and well-wishers of our Country, to represent our views on this very important subject to the Provincial Government, and to endeavour to induce it to adopt and act on such views in accomplishing the changes, that are now called for and likely soon to take place ; especially to suggest, that a Commission be appointed to examine into the state of Elementary Education, and report, with a view to the enactment of a suitable School Bill, during the next Session of the Provincial Parliament.

Resolved 5*th*, That, as the fostering care of the Government, cannot be reasonably expected, (however bountiful and well-directed,) to accomplish the task of thoroughly improving the state of education, unless assisted by the hearty co-operation of the people :—Therefore the subject should be discussed by Teachers and Committees, through the press, in Public Meetings, and by all means available, for bringing the importance of the subject to bear on the public mind.

V. SOME OF THE RESULTS OF THE FIRST YEAR'S OPERATIONS OF THE PRESENT UPPER CANADA SCHOOL SYSTEM.*

The following estimate of the "results" of the operation of the Common School Act was prepared by the Reverend Doctor Ryerson, as a review of the actual and practical operations of the Common School Acts of 1846 and 1847, and as a Reply to the adverse criticisms on these Acts :

Facts are beginning to accumulate illustrative of the operations of the present School system of Upper Canada ; and facts are better than speculations, and furnish the best answer to objections. It is known, that the only statistics of Schools, heretofore forthcoming, as was shown in a statistical sheet, prepared at the Education office, upwards of a year ago—related to the number of children of school age, the number of children attending Common Schools, the number of such schools, the time during which they have been kept open and the amounts paid to Teachers.† From such comparatively meagre statistics, no very correct notion could be formed of the educational state of the Country ;—nothing as to the number and character of Private Schools, the branches taught in the Common Schools, the number of pupils pursuing each, etcetera.

To supply to some extent, the deficiencies in the statistical returns of former years, new forms of Trustees' and District School Superintendents' Reports were prepared, printed and furnished to each District, throughout Upper Canada. Complaints have been made, in some instances of the minuteness of these forms of reports, and of the trouble and difficulty of filling

* See also similar Papers by the Chief Superintendent on pages 283-291 of this Volume.

† The School Statistics of the years 1842-1845 will be found on pages 252-255 of the Sixth Volume of this Documentary History. Those here referred to will be found on pages 180-186 of the Seventh Volume.

them up, although they are little more than half as extensive as those required by the State Superintendent of Schools in New York. Of course, it requires some labour to collect and compile information on any subject, and new forms have, doubtless, in some instances, embarassed parties not accustomed to fill up such reports.

The first results of the new forms of local reports and of the operations of the School Act, during the last year, which have come under my notice were stated by Mr. D'Everardo, to the Municipal Council of the Niagara District . . . This statement is a model report of the kind ; and . . . the facts, which it contains, furnish an appropriate reply to the objections, which have been made to our present System of Schools. It appears from Mr. D'Evarardo's statistics, that, while there has been rather a decrease of children of school age in the Niagara District, there has been an increase of ten per cent, over the preceding year, in the time during which the schools have been kept open, and of eighteen per centum, in the attendance of children at the Schools. It is also worthy of remark, that there has not been a single complaint or appeal to the Education Office from the Niagara District, during the past year. The Council took great pains, on the New Act coming into operation, in organizing the School Sections, and selected a judicious and able Superintendent to carry it out. The difference in the operations of the system in the Niagara and some other Districts cannot arise from a difference in the law and instructions and forms, but must be owing to a difference in the indulgence of party feeling, in the knowledge and attention of Councillors in School matters, in the intelligence and public spirit of local School Officers and people.* We believe, that the annual reports for 1847, from other Districts will furnish results equally satisfactory with those stated by the Niagara District Superintendent. . . . In the small District of Talbot, there was an increase of six per centum, in the School attendance of children for 1847 over 1846, and an increase of sixty per centum in the amount of school Rate Bill. The amount of Rate Bill paid in 1846, (independent of the Legislative Grant and District Council assessment,) was £556 . 8 . 5 ; in 1847, £892 . 18 . $2\frac{1}{2}$; increase of Rate Bill in favour of 1847, £336 . 9 . 9.

In the Johnstown District, there is a decrease of twelve per centum in the number of Schools, (many sections having been enlarged ;) but an increase of thirteen per centum, in the school attendance of children, and of forty-two per centum, in the amount of school-Rate Bills. The amount of Rate-Bills in this District for 1846, (independent of the Legislative Grant and District Council Assessment,) was £1,520 . 11 . $3\frac{3}{4}$; for 1847, £2,141 . 10 . 8 ; increase in favour of 1847, £620 . 19 . $4\frac{1}{4}$. The Rate-Bills and school attendance of children being voluntary in each section, indicate the real feeling of the people. In the Brock District, we perceive that the average salaries of Teachers for 1847, was from £50 to £80, and in the Wellington District. the Superintendent states the increase of children in attendance at the school in 1847 over that of 1846, to be upwards of one thousand.

Such are some of the gross results of the operations of the present School law of 1847, during the first year of its existence, with all the disadvantages of its newness and in the face of an opposition which has done all in its power, in different parts of the Province to make the law work as badly as possible, in the hope of getting it abolished. But, as all parties in the Legislature agreed in the passing of the law ; so it is clear, the majority of all parties in the Country have acted in the same noble spirit in carrying it, into effect ; and these unexpectedly early results must be grateful to the feelings of every true patriot.

* See examples of this spirit of hostility to the School Act of 1846, in Chapter XIII and XIX of the Seventh Volume of this History, as also in divisions III and IV of this Chapter.

CHAPTER V.

EDUCATIONAL PROCEEDINGS OF VARIOUS MUNICIPAL COUNCILS.

I. Educational Proceedings of the Home District Municipal Council.

The following is a copy of the Report of the Standing Committee of the Home District Council on matters suggested in the Circular of the Chief Superintendent of Education of the 14th of January, 1848, addressed to the Warden and referred to the Education Committee for report thereon; also on the proposal to support the Schools by an assessment tax on property:—

The standing Committee on Education have had under their serious consideration, the various matters alluded to in the Circular Letter of the Chief Superintendent of Common Schools.*

* * * * * * * *

The inconvenience, embarrassment and trouble arising from alterations in the boundaries of School Sections, taking effect at any other period than the commencement of a year is so manifest, that your Committee have felt it necessary to draft a By-Law for its prevention, . . . Your Committee also recommend, that, for the future, in ordering assessments for the erection of School Houses, the locality of the School House proposed to be erected should be designated in the By-law, authorizing such assessment.

Objection to an Assessment upon Property by School Trustees.

The most important question, however, in the opinion of your Committee is, that which arises from the plan proposed in the Chief Superintendent's Circular, above alluded to, of supporting Common School Education according to a rate upon property,—that is by empowering the Trustees to levy a Rate on the assessable property of all residents in their School Sections, instead of confining the charge (by Rate Bill) to the Parents, or Guardians, of the children in attendance at the Schools. The amount of money raised by School Rate Bill in 1845 and 1846, as appears by the Chief Superintendent's Common School Report for that year, was £5,366 2s. 6d.

Your Committee are not prepared to recommend the raising of so large a sum by general assessment; neither can the Council confer the power on Trustees, to enable them to levy by a rate on all the property in a School section, but the course your Committee deem advisable to pursue is, to declare the willingness of the Council, the assess the resident Inhabitants of any School Section for the payment of the Teacher's salary, etcetera, whenever an application for that purpose shall be made by the Trustees, stating, such to be the desire of a majority of the Inhabitants in the School Section.

II. EDUCATIONAL PROCEEDINGS OF THE GORE DISTRICT COUNCIL.

The Warden, in his Address to the Council in February, 1848, said:

I have received from the Chief Superintendent of Education, a Circular, dated 14th of January last, adverting to several subjects of great practical importance to Common Schools, to which I trust you will give candid and careful attention. . .

Extract from the Report of the Gore District Committee of Education.

Your Committee having received the Circular of the Chief Superintendent, beg leave to recommend that each Councillor give it a careful reading, and that the Warden should be authorized to order, at the expense of the District, a sufficient number of copies of the *Journal of Education*, to place a copy of the first number in the hands of the Trustees of each School Section in this District, with a view of allowing them to subscribe for the same, should they think proper. . .

* A copy of this Circular is printed on pages 214-218 of the Seventh Volume of this Documentary History.

At the following Meeting of the Gore District Council, the Warden said :—

The District Superintendent of Common Schools, has furnished me with a statement of the Government Grant, for the support of Common Schools, for this year, (1848), amounting to £1,-434, 13s. 4d., being £279, 6s. ¾d. less than we received last year. I would just state, that the sum, raised under By-Law 201, for the support of these Schools for the year 1848, amounts to £2,382, 8 s. 6 d., being an excess of the Government appropriation of £847, 15s. 2d. It will be for you to consider, whether it would not be better, in levying taxes for this purpose, to confine ourselves, as nearly as possible, to the exact amount of the Provincial Grant.

This part of our duties is, indeed, sometimes very arduous and unpleasant, yet we must not shrink from the task. I am certain, that we, as a body, can confer no greater benefits upon our District, nor can we do more to increase its future prosperity, than by doing all in our respective spheres, to improve our Common Schools, and to promote Common School Education. I know much will rest with the people themselves, and sincerely hope, that the inhabitants of this, in other respects prosperous, District, will cheerfully co-operate in such a great work, and cordially unite with those, whose more immediate duty it is, to openly advocate and further the cause of Education

I desire to lay before you, a Circular, I have just received from the Chief Superintendent, on this subject.*

Report of the Gore District School Superintendent to the Council.

As to the general state of the Schools and Education in the District of Gore, it is much the same as it was twelve months ago. Some Schools made a considerable advance last year, but others have rather fallen off. For these, however, as I formerly stated, I am not responsible, as unqualified Teachees were permitted to labour in them by other authority than mine. I am sorry to say that a want of unanimity among the people still exists in some School Sections, and wherever that prevails it produces the most baneful effects on education.

And it not unfrequently happens that mere caprice with regard to a Teachers, or Trustees, will set those whose rule of action is their own feeling actively to work to run down the Teacher, or the School, without ever considering what a dreadful injury they are inflicting on the young. Of this, I had an instance last week. One of the best qualified Teachers in the District was to be condemned for not doing his duty while it was quite evident, from the advanced state of the scholors under his care, that the accusers were unjust and had made no effort to ascertain the truth.

In order to stir up and cherish a better state of feeling, and to infuse more correct ideas on the subject of education, I had determined to undertake a course of lecturing through the different Townships along with my School visitations, but owing to the state of the weather, it was impossible. I purpose still to engage in it, however, as soon as circumstances will permit.

Hamilton, February, 1848. P. Thornton, District School Superintendent.

III. EDUCATIONAL PROCEEDINGS OF THE NEWCASTLE DISTRICT COUNCIL.

The Warden, in his Address to the Council, at the November Session, said :—

. . . I have received from the Clerk of the Council of the Bathurst District, a printed copy of a Petition presented by that Body to the Legislature, together with a Resolution of the Council, stating that with reference to the Circular letter from me, as Warden, the said Address expressed the views of that Council on the subject of the Common School System of Upper Canada. As it seems to be very generally acknowledged, that the present School Act requires to be considerably ammended and altered, and as the Provincial Parliament will probably meet before the next sitting of the Council, you may perhaps deem it advisable again to petition the Legislature on the subject, and to point out such defects as have been brought to our notice, in carrying out the provisions of the law as it now stands :

Petition on School Law Amendment, from the Newcastle District Council.

During the Sessions of the Newcastle District Council it was moved by Mr. Boucher, seconded by Mr. Morrow, that the following Councillors do compose the Special Committee to draw up a Petition of the Legislature on the subject of Common School Act, viz :—Messieurs Reid, Boulton and Morrow. (*Carried.*)

* A copy of this Circular is printed on pages 214-218 of the Seventh Volume of this History.

Subsequently Mr. Boucher from the Committee, brought in the form of a Petition to the Legislature, praying for certain amendments in the present School Act (of 1846); it was then read and adopted.

The following Report also of the Standing Committee on Schools, was adopted by the Council:

The printed Circular from the Reverend Doctor Ryerson, on the subject of ordering a number of copies of the *Journal of Education* was considered, and the Committee recommended to the consideration of the whole Council.

Your Committee, however, cannot recommend that the "*Journal of Education*" should be supplied to the different School Sections in this District, as suggested in the Circular Letter of of the Chief Superintendent of Education, dated the 28th of September last.

IV. EDUCATIONAL PROCEEDINGS OF THE NIAGARA DISTRICT COUNCIL.

The Education Committee of the Council reported as follows:—Your Committee have had under consideration the Circular of the Reverend Doctor Ryerson, Chief Superintendent of Schools, dated 28th September, 1848, in which he purposes to furnish this Council with copies of the "*Journal of Education*" for the Schools in the District at a specific rate. . .

With reference to this proposal, your Committee beg leave respectfully to state that in their opinion the performance of the onerous and important duties of School Trustees may be greatly facilitated by placing in their hands a work of the kind alluded to, so that a greater degree of uniformity in their action may be secured thereby, and that it will be not too great a return for the time and trouble which they are required to bestow upon the Schools under their charge without remuneration.

Your Committee, therefore, respectfully recommend that your honourable Council supply to each Board of School Trustees in the District for the year 1849, a copy of the "*Journal of Education*" for the year last named, and that the subscription price be paid out of the funds of the Niagara District, in conformity with the Resolution herewith submitted.

Report to the Council of the District School Superintendent.

The past year having been the first year of the operation of the existing School law, it is scarcely prudent to venture an opinion as to its practical working.

It may be remarked, however, that the foregoing statistics, compiled from the official reports of School Trustees, compare very favourably with the returns of 1846.

It will be seen that the increase in the number of the Public Schools of this District over the year 1846, was in the ratio of 1½ per cent.; the increase in the number of months taught by qualified teachers was scarcely 10 per cent., and the increase in the number of children attending said schools was 18 per cent., while at the same time the returns exhibit the remarkable fact of a decrease in the population of the school age in the District of 59.

I can not close this report without remarking that the several Boards of School Trustees have invariably given evidence of a strong desire to discharge their various and onerous duties with efficiency and that their Annual School Reports, though in a form entirely new to them, have, with few exceptions, been made up with accuracy, and forwarded with promptness.

Hoping that this brief Report may be found of some value to the Municipal Council, by enabling that body in future years to determine the comparative condition of the Public and Private Schools in the District and the progress of Education therein.

Niagara, February, 1848. D. D'Everardo, District School Superintendent.

V. EDUCATIONAL PROCEEDINGS OF THE TORONTO CITY COUNCIL, 1848.

I have already, in Chapters XIII and XIV of the preceding Volume of this History, referred to the strong conflict of opinion which existed among the various Municipal Councils in regard to the School Acts of 1846 and 1847. Some of the leading ones,—such as the Home, Gore and Newcastle District Councils took active official steps and memorialised the Legislature in opposition to these Acts, while the Colborne, Niagara and Midland District Councils were quite as favourably

* This Circular will be found in pages 214—218 of the Seventh Volume of this Documentary History.

disposed to give these Acts a fair trial. The Colborne Municipal District, under the direction, as Warden, of the Father of Judge Benson of Port Hope, prepared and published a most able and elaborate defence of these School Acts.*

None, however, of the Municipal Councils which had taken part in opposition to the School Acts of the day went so far as to place obstacles in the way of their operation in their respective Districts. It was reserved, however, for the City of Toronto to prove an exception to this rule. For it took the most effective means, in 1848, of closing up the Schools of the City, by refusing to raise the funds necessary for their maintenance, as requested by the Board of School Trustees.

The peculiar circumstances, connected with this singular and unusual episode, were so fully reported at the time, that I have been enabled to transfer to the pages of this Documentary History copies of such explanatory official papers on the subject, as give sufficient details of this peculiar case.

There was only one other example of the refusal, for some years, of a Municipality—that of Richmond, in the County of Carleton,—to avail itself of the advantages of the School law, in providing, by its machinery, financial means for the education of the children of the locality.

The position taken by the Toronto City Council in 1848 was, that it was unjust to the ratepayers to compel them to pay taxes for the support of Schools, of which they did not avail themselves, and thus have to "pay for the education of other peoples' children." This view was also strongly endorsed by the Honourable Robert Spence and others. See pages 61-63 of this Volume.

This state of feeling was rife in Upper Canada for many years, and Trustees' Rate Bills, (or "School fees,") were not finally abolished by law until 1871. In 1850, the Legislature refused to fully assent to the principle of "Free Schools," but authorized the Ratepayers to dispense with fees, and to sanction, at their Annual Meetings, a rate upon property for such sums as the rural School Trustees might require for the maintenance of their Schools. This state of things continued, as I have stated, until 1871, when the Schools were made free by Statute.

As to the City of Toronto case of 1848, the following are the official documents connected with it,—showing what were the circumstances which led to the closing of the City Schools during that year:—

After the passage, in 1847,† of the Common School Act for Cities and Towns in Upper Canada, the Board of Trustees for the City of Toronto sent in to the Council of that City an Estimate for the sum of £2,009 . 17 . 7, required by the Board to maintain the Schools of the City, for the year 1848. The Estimate was as follows:—

ESTIMATE OF THE CITY OF TORONTO BOARD OF SCHOOL TRUSTEES FOR 1848.

The following is an Estimate of the amount of money required by the Board of Trustees for the current year, (1848,) for paying the Salaries of Teachers, and for other School purposes, as

* Printed on pages 116-118 of the Seventh Volume of this Documentary History.
† This Act is printed on pages 26-28 of the same Seventh Volume.

below enumerated, within said City,—prepared and made out, to be laid before the Common Council of said City, in accordance with the provisions of the Act of 1847, 10th and 11th Victoria, Chapter 19, videlicet :—

	£	s.	d.
1. Rent of 15 School Houses, at £20 per annum each	300	0	0
2. Casual Repairs of Ditto	50	0	0
3. Maps, Books of Reference, and Books for indigent Scholars	25	0	0
4. Fuels for aforesaid Schools	75	0	0
5. Salaries of 15 Teachers, at an average of £112 . 10 . 0 each	1,687	10	0
6. Reserve Fund to pay for the services of Assistants, if needed	200	0	0
7. Contingent expenses of the Board of Trustees	25	0	0
8. Salary to the City Superintendent of Schools, also acting as Secretary to the Board of Trustees	125	0	0
Total amount of Estimate	£2,477	10	0
Less the Government grant for 1848, (assumed to be as the same as in 1847,)	467	12	5
Net amount required to be raised by assessment by the City Council	£2,009	17	7

The above proposes no increase in the number of Schools; and certainly the salaries of the Teachers are by no means exorbitant.

G. A. BARBER, Secretary.

TORONTO, 17th April, 1848.

This Estimate, having been referred to the Sub-Committee of the Council, consisting of three Aldermen, that Committee brought in the following—

REPORT, RECOMMENDING A REFUSAL TO LEVY THE AMOUNT REQUIRED.

The Standing Committee on Education of the City of Toronto beg leave to submit their Report on the application of the Board of School Trustees to levy by assessment on property the sum of £2,009.17.7.

The Committee have had under consideration, the (foregoing) Communication of the Secretary of the Board of Trustees of Common Schools of the City, dated April 17th, 1848, referred to them by your Worshipful Body.

2. Your Committee find by the Estimate of Common School expenditure, transmitted with that Communication, that the Board of School Trustees call upon your Worshipful Body to raise by assessment for School purposes, in the current year, the sum of £2,009 ; which your Committee learn, on reference to the assessment rolls for the past year, cannot be realized under a lower rate than 4½d. in the pound, on all rateable property, in this city.

3. Your Committee, contrasting the high rate of assessment with that which has heretofore been levied by your Worshipful Body, for the support of the City Schools, have been led carefully to investigate the circumstances which have induced the necessity of so serious an increase of taxation ; and would here beg to draw the attention of your Worshipful Body to the following facts, explanatory :—

First. It is known to your Worshipful Body, that, under the provisions of the Common School Acts of Upper Canada, prior to the enactment of 11th and 12th of Victoria, Chapter 19th, in July, 1847, the funds for the maintenance of Common Schools within this City, were derived from four distinct sources, namely :—

(1) From an annual Parliamentary Grant.

(2) From an Assessment on the rateable property in the City, collected annually with the tax levied for City purposes, and required to be equal to the Parliamentary School Grant.

(3) From a certain fund accumulated by the payment of the Parliamentary Grant and the City assessment into the hands of the Chamberlain, before the City Schools were put into operation.

Ministry of Education, Ontario
Historical Collection

(4) From certain Rate-Bills, or School-dues, collected by the Teachers from the parents of the Scholars.

4. The portion of the cost of the maintenance of Common Schools in 1847, your Committee find, by a statement handed to them by the City Superintendent of Common Schools, derived from the three last mentioned resources, was £1,795.17s.4d., of which amount, no less than £958.4s.11d., or more than one half, was derived from Rate-Bills, or school-dues, collected by the Teachers from the parents of the children attending the Schools.

5. Your committee learned, in their conference with Members of the Board of School Trustees and the City Superintendent of Education, that, by the amended Act of 1847 for the regulation of Common Schools in the Cities and Towns of Upper Canada, it is no longer legal for the Teachers to levy Rate-Bills on the parents of the Scholars, but that it becomes incumbent on your Worshipful Body now to make provision, by assessment on the rateable property in the City, for the total School expenditure, less the amount of the annual Parliamentary grant before mentioned.

Surprise of the Committee at the Enactment of the School Law of 1847

Your Committee cannot refrain from expressing their surprise, that a change in the Common School Law, so materially affecting the interests of the owners of property in this City, should have been contemplated without any reference having been made by the framers of the said Act, or by the Legislature, to your Worshipful Body, on whom devolves the necessity of making provision for the deficiency of School funds thus created, by the levying of an additional taxation upon the civic electors of this City; more particularly too as the Chief Superintendent of Education, who, as your Committee have been informed, prepared the original draft of the Bill, of 1847, has his residence in this City. *

7. In consequence of this change in the Common School law, it now becomes incumbent on your Worshipful Body to levy by assessment, as before referred to, the sum of £2,009 to meet the expenditure of City Common Schools for the current year.

8. By the provisions of the present Common School Act of 1847, the duty of estimating the requisite amount to be raised by assessment for School Purposes, devolves upon the Board of School Trustees, nominated by your Worshipful Body.

9. The Board of Trustees have placed before your Worshipful Body, their Estimate of such requisite assessment, which has been duly referred to your Committee,

10. Your Committee having felt some embarrassment in the interpretation of some of the clauses of the present amended School Act, deemed it expedient to ask for the opinion of the Law Officers of the Crown on the points of which they were in doubt -they accordingly obtained, [by action of the Chief Superintendent of Education,] through the Board of Trustees, the opinion,—first of the Honourable J. Hillyard Cameron, the late Solicitor-General, West, and subsequently that of the Honourable Robert Baldwin, the present Attorney-General, West, on these doubtful points; both of which are appended.

11. These opinions are so explicit and decisive, that your Committee do not deem it necessary to offer any remarks on them, but would refer your Worshipful Body to the Documents themselves, as embodying all the information required on the subjects considered in them.

12. It is quite manifest that, under the present School Law of 1847, it becomes the duty of your Worshipful Body, in carrying out the intentions and provisions of the same, to levy by Assessment, on the rateable property in this City, the amount estimated by the Board of Trustees as necessary for the purpose of the Common Schools therein, say, for the current year, the sum of £2,009—or equal to 4½d. in the pound on the assessed value of property.

13. Your Committee, however, are not of opinion that it is imperative on your Worshipful Body to levy any amount whatever, for School purposes, unless your Worshipful Body see fit to do so. The privilege of municipal legislation in fiscal matters would be a nullity, were the act of so legislating no longer a matter of choice: for then the people would virtually be taxed, for local purposes, by an authority different from that of their own constitutional, local, government;—an anomaly at once repugnant to British freedom and common sense.

14. The Provincial Law prescribes the manner in which the Municipalities shall determine the amount to be contributed by each tax-payer, and, in the present case, it defines the mode in

* Had this duty been required of the Chief Superintendent of Education, as here assumed, he could not have consulted Toronto without also consulting all the Cities, Towns and Incorporated Villages in Upper Canada each time a new School Law was being enacted, or an amendment being made to it, an obligation which would have tedious and onerous. The Chief Superintendent did, however, consult the ratepayers generally on School legislation and other Educational matters by Conventions, or School Visitations, every few years during his term of office. See his remarks upon this matter on page 81.

which the City and Town Municipality shall compute their Estimates of the requisite amounts ; but it does not, and cannot, enforce upon them the absolute necessity of levying the assessment, or amount, so estimated.

15. The Estimate presented by the Board of School Trustees must, as an essential preliminary to be levied, meet with the concurrence of the Municipal Legislature ; and should the Board of Trustees insist upon the carrying into effect, by Municipal Legislation, of a rate of assessment deemed by the Municipal Legislature impracticable, or inexpedient, then it would become evident that such Board considered itself not a subordinate organization, chosen by the Municipality for the carrying out of its measures in accordance with the well understood wants and wishes of the people, but a Body endued by law with the anomalous power of dictating to its own nominators, the extent to which they are to levy contributions upon their constituents ; which, in the event of a difference of opinion between the municipality and the Board of Trustees, would be, in fact, equivalent to the taxation of the subjects contrary to the voice of their Representatives.

16. In the present instance, it will be for your Worshipful Body to consider whether the Estimate laid before you, by the Board of School Trustees, is such as to warrant the conclusion, that in enacting its assessments on the proprietors of this City, your Worshipful Body will be carrying into effect the purposes for which, the members of this Council have been elected by the Constituents ; and if so, your Worshipful Body will of course make the necessary enactment—But if your Worshipful Body do not see fit to authorize the levying of the amount recommended in the Estimate submitted by the Board of Trustees, it will be necessary that the Board reconsider the Estimate and recommend another, in accordance with the views of your Worshipful Body.

17. Your Committee, in closing this Report, beg to state, that, duly impressed with the great importance of the diffusion of education among all classes of the people of this young and flourishing Country, they have bestowed upon the subject, now under consideration, the most careful reflection, and they are deeply sensible of the heavy responsibility resting upon them to co-operate with all those, who aim at the moral and intellectual elevation of the community, which they are members, and, in whose prosperity and happiness, they are participators.

18. Your Committee, therefore, feel reluctant to suggest to your Worshipful Body any course of action, which might unfortunately, tend to militate against the interests, or in any way retard the progress of general education. It is, however, the conviction of your Committee, that the present amended Common School Act of 1847, in so far, at least, as relates to the making of pecuniary provision for the support of Common Schools in this city, is unsuited to the purpose ; and they consider a reversion to the previously existing system of raising a portion of the expenditure by Rate Bills or dues, on the parents of the scholars, or the adoption of some other means of raising school funds, by which your Worshipful Body may be relieved from the necessity of imposing a School Tax so weighty as that now found to be requisite, to be desirable and, in accordance with the wishes of the great majority of the inhabitants of this city.

19. This amendment, together with such others, as your Worshipful Body may, upon a careful examination of the whole of the existing Common School Laws, deem expedient to recommend, your Committee would suggest, should be embodied in a Petition from your Worshipful Body, to the Provincial Legislature, at the opening of the ensuing Session of Parliament. All which is respectfully submitted.

TORONTO, 1st May, 1848.

JOSEPH WORKMAN, Alderman.
GEORGE P. RIDOUT, Alderman.

I concur in this Report, with the exception of that part of it, which says that the Council has, by the appointment of the Board of Trustees, bound itself to levy the amount of the estimate now submitted to this Committee.

GEORGE T. DENISON, Junior, Chairman.

NOTE. Appended to this Report were the following Opinions of the Law Officers of the Crown.

QUESTIONS SUBMITTED TO THE LAW OFFICERS OF THE CROWN BY THE CHIEF SUPERINTENDENT

I. NOTE. The questions proposed to the Honourable J. Hillyard Cameron, while Solicitor General, and his Reply thereto, will be found on page 62 of this Volume.

II. To the Honourable Mr. Attorney General Baldwin, with the answers thereto :—

First Question : Under the amended School Act of 1847, for Cities and Incorporated Towns, videlicet: 10th and 11th Victoria, Chapter 19, have the Board of Trustees, the power to levy a Rate Bill upon the parents, or guardians, of the pupils, attending the Common Schools of this City, in order to assist in paying the salary of the Teachers ?

Answer: The Board of Trustees have not the power to levy a Rate-bill upon the parents and guardians of children attending the Common Schools of this City.

Second Question: Or, is it not obligatory upon the Common Council of this City, to provide by an assessment on property, based upon an Estimate, laid before them by the Board of School Trustees, for the whole expense of maintaining Common Schools, paying the salaries of Teachers, and for other School purposes?

Answer: The Council of the City is bound to raise by assessment the sum required, to meet the estimates submitted by the Board of Trustees.

Third Question: Or, has the Legislature in the Act referred to, left it to the discretion of the Common Council to provide for the expense of maintaining Common Schools, etcetera, in the mode prescribed by the School Act of 1846, 9th Victoria, Chapter 20,* videlicet: partly by assessment, equal to the amount of the Provincial grant, and partly by Rate-bill on the parents of pupils, if the Common Council of the City should desire to continue that system?

Answer: The Council itself is not authorized to levy money in any other way than by assessment for School purposes, and has not therefore the option suggested by the question.

Second and Reduced Estimate of the City of Toronto Board of School Trustees.

The Toronto City Council, having concurred in the Report of its Committee on Education, declining to raise, by assessment upon Property, the sum required by the School Board, that Board submitted to the Council a second and reduced Estimate, as follows:—

The undersigned, a Deputation from the Board of Trustees of Common Schools, for this City, beg leave to state for the information of the Education Committee of the Council, and of the Council itself, that having been empowered to confer with the Committee for the purpose of approximating, if possible, to some conclusion with regard to the School question, now pending between the City Council and the Board of School Trustees, they propose to reduce the amount of their former "Estimate" in the following manner, videlicet:—

1. By striking out altogether the following items:—

	£	s.	d.
Casual repair of School Houses	50	0	0
Maps, Books of Reference, and Books for indigent scholars	25	0	0
Reserve fund to pay for the services of assistants, if necessary	200	0	0
Making altogether the sum of	£275	0	0

2. By reducing the following items:—

Fuel for Schools from £75 to £25, saving	50.	0.	0.
Contingent Expenses of the Board from £25 to £12	13.	0.	0.
Average salaries of Teachers £112 10s. to £100 being a saving of £12 10s on 15 schools	187.	0.	0.
Making altogether the sum of	£250	0	0

3. By other reductions and savings, as follows:—

School Salaries, in cases where the Schools were not in operation		25.00
Amount of school fees, or dues, already received by Teachers, and which amount will be taken as part payment of salary		125.00
2 School houses rent free	£40.00	
1 School discontinued on the 1st of July	10.00	
		50 00
Making together the sum of		£200.00

*The School Act of 1846 will be found on pages 59-70 of the Sixth Volume of this Documentary History.

The following is the Estimate for the current year, given into the City Council by the Board of School Trustees, for which provision has to be made by assessment on all alike, according to property ; also referred to in the Report of the Committee of the Council :

Recapitulation :—

First Reduction	£275	0	0
Second Reduction	250	0	0
Third Reduction	200	0	0
Total deduction	£725	0	0
The amount of the original Estimate of the School Board for the current year was	£2,487	10	0
Deduct from this Estimate the foregoing sum of	725	0	0
Leaving a balance of	£1,762	10	0
To meet this amount there will be :—			
(1) The School Fund in hand	£426	16	10
(2) Government grant for 1848, assumed at the same amount as last year	467	12	5
Leaving the sum of to be provided for by assessment on property by the City Council.	£868	0s.	9d.

In consenting to the foregoing deductions, from the original Estimate, the Board of School Trustees are sensible, that they are materially diminishing the efficiency of the City Schools, but, with the earnest desire to furnish an Estimate approximating as nearly as possible to the views of the Committee of the City Council on Education, the Board will endeavor to carry on the Schools throughout the current year on these revised Estimates,—leaving it to the Legislature to determine whether the present law shall be repeated, or modified, or continue as it now exists.

Statement of the Expense of Maintaining the Common Schools of the City of Toronto for the year ending December the 31st, 1847, as follows, videlicet :—

	£	s.	d.
First : Paid by the City out of an Assessment for School purposes on the rateable property of the City and Liberties,—being an amount, clear of the charge of collection, at least equal to the Provincial Grant in aid of Common Schools ;—the aggregate of the two amounts forming the School Fund to be apportioned among the Teachers	467	12	5
Second : Paid by the City as Rent for 16 School Houses, at £20 per annum	320	0	0
Third : Paid by the City as Salary to the City Superintendent of Schools	50	0	0
Fourth : Amount imposed by Rate-Bill on the Parents of Scholars attending the Schools,—forming the residue of the Teacher's income	958	4	11
Total cost of the Schools to the inhabitants of Toronto	£1,795	17	4

It appears from the foregoing account that more than one-half the sum had to be levied by Rate-Bills, on the parents of the children, in many instances a most unsatisfactory mode for the Teacher, whose support, under his arduous labors, should be favourably considered, and his condition in the social scale raised above that of a genteel beggar.

JOHN ELMSLEY, School Trustee.

TORONTO, 26th June, 1848. GEORGE A BARBER, Toronto City, School Superintendent.

This reduced Estimate of Board of School Trustees, submitted to the City Council, was referred, as before, to the Standing Committee of the Council or Education. That Committee reported on this reduced Estimate as follows:—

SECOND REPORT OF THE CITY COUNCIL STANDING COMMITTEE ON EDUCATION.

The Standing Committee on Education, beg leave to report that, having received the foregoing Communication from the Committee of the Board of Trustees for Common Schools, held a meeting to take the same into their consideration, when your Committee found that the Board had reduced their former Estimate by £725, leaving the sum of £568. 0s. 9d. to be raised by assessment, which would require that one penny half-penny in the pound, be levied on ratable property, so to raise the amount.

Your Committee, however, are of opinion that the Estimate may still be reduced further, and, therefore, would recommend that the sum of one penny half-penny in the pound on the rateable property of the City and liberties be levied to meet the expenses for Common School purposes for the whole of the current year, instead of the sum of one penny farthing as recommended in a preceding Report of your Committee for the supply of the Schools for one half of the year.

GEORGE T. DENISON, Junior, Chairman.
G. P. RIDOUT, Alderman.
GEORGE GURNETT, Mayor.

TORONTO, 28th June, 1848.

The City Council, having declined to levy the rate proposed in their Second Estimate of the Board of School Trustees, that Board issued the following notice to the Public:

COMMON SCHOOL BOARD NOTICE:—

The Board of Trustees for Common Schools of the City of Toronto, hereby give notice that, inasmuch as the Common Council of the City of Toronto have declined to make the required appropriation, for the purpose of continuing the Common Schools after the 30th June, 1848, the Trustees of Common Schools are reduced to the painful necessity of closing the said Schools on and after the 1st July.

The City Superintendent of Schools is, therefore, required to imitate to the respective proprietors of the School Houses, as well as to the Teachers of such Schools, that the said School Houses, and the services of said Teachers, will not be required after the 30th instant; and that the said Superintendent be further required to take the necessary steps for carrying this Resolution into effect. By order of the Board.

GEORGE A. BARBER, City School Superintendent.

TORONTO, June 29th, 1848.

VI. CONDITION OF THE TORONTO CITY SCHOOLS FROM 1841 TO 1848.

It will be interesting to know, (in connection with the foregoing papers,) what was the condition of the Toronto City Schools at the time when, in 1848, the Municipal Council of the City refused to impose an assessment on the ratepayers for their support beyond the sum required by law, as a condition of receiving the Legislative School Grant. I, therefore quote, in a condensed form, a Report on the State of the Schools from 1841 onwards, prepared by the Board of School Trustees, and published in 1859. From this brief sketch, it will be seen, that the City Council refused, from year to year, to avail itself of the provisions of the successive Common School Acts passed in 1841, 1843, 1846 and 1847. Nor was it,—as the Report from which I quote shows,—until the year 1851, that the Toronto City Council, for the first time, levied a rate upon property for the support of its Schools. It had then no option in the matter, for the School Law of 1850 left the Council no alternative, one way or the other. The provision of the law of 1850 on this subject was as follows:—

. . . "It shall be the duty of [the Board of School Trustees of each City and Town]

Section 24, "Sixthy: To prepare, from time to time, and lay before the Municipal Council of such City, (or Town,) an Estimate of the sum or sums, which they shall judge expedient . . . for all the necessary expenses of the Schools under their charge; and—

"It shall be the duty of the Common Council, or Council, of such City, (or Town,) to provide such sums, or sums, in such manner as shall be desired by said Board of School Trustees."

The following are extracts from the voluminous Report of the Toronto School Trustee Board of 1859:—

The following brief narrative of the rise and progress of the City Schools, from their inception and practical commencement, as late as in 1844, up to the end of 1847, has been prepared.

Under the original School Law, applicable to Upper Canada,—that of 1841*,—the first step was taken toward improving the Common Schools of the Province, and to secure, so far as possible, the services of properly qualified Teacher, and Boards of Examiners were appointed by the Government to examine and grant Certificates, and licenses to teach, to duly qualified Teachers.

These preliminary steps, having been taken, it then devolved upon the Municipal Counci of the City to bring the School System into practical existence, by providing the "ways and means" for the erection of School Houses, or the renting of them, so as to receive pupils, and for the payment of Teachers' salaries, and other expenses connected with the School System.

The scheme, however, did not work well; for, although the Board of Examiners did their duty, and granted Certificates to numerous applicants, the City Corporation omitted to provide the means for erecting, or renting, School Houses and employing Teachers, so that nothing practical was at this time accomplished.

In 1843, the School Law of 1841 was repealed, and one specially adapted to reach Province was passed. Under its provisions the Corporation of the City was empowered to appoint an Officer, designated as Local Superintendent for the City. . . .

It was by law the duty of the Local Superintendent to examine Teachers, and grant them Certificates; it was also his duty, in conjunction with the Clerk of the Council, to divide the City into a suitable number of School Sections, on the basis of population. The School Act of 1843 also provided, that the ratepayers of each City School Section should have the privilege of electing from among themselves three persons as School Trustees, in whose hands were to be placed the power of building, or renting, School Houses, the appointment of Teachers, and generally to manage the School affairs of the Section. To provide, to some extent, the ways and means for putting the new machinery in motion, the School Law of 1843 embodied the salutary provision, that a Government Grant should be appropriated in aid of the Common Schools of the Province; but that to enable any County, City, or Town, or indeed any Schoo authorities, to share in this Grant, the Municipal Council of said County, City, or Town, was obliged to assess the ratepayers thereof for an amount at least equal to that of the Government Grant,—the united amount forming what was technically called the "School Fund," which, under the Act of 1843, was to be exclusively applied to the payment of Teachers' Salaries. . .

The City of Toronto, having been divided into twelve School Sections early in 1844, the rate-payers elected their School Trustees, Delay however, occurred in bringing the machinery of this new School System into working order, chiefly because of the difficulty that the Trustees met with in obtaining convenient School premises; and also their hesitation to incur the responsibility of renting and furnishing them when they were obtained, inasmuch as the Corporation was unwilling to assess the City for any more than the School Act strictly required, in order to meet the Government Grant, more than half the year 1844 had elapsed, and it seemed likely to be as unproductive in action as was that of 1843,

The Local Superintendent, Mr. George A. Barber, desirous of starting the Schools in some way, or other, and bring the new law into practical operation, if possible, suggested that the one moiety of the School Fund, as represented by the half year just elapsed, should be applied to pay for the rent and furniture of the school premises, so that the Teachers, who had been provisionally appointed, might enter upon their duties, and thus enable the Trustees to apply the other moiety in payment of Teachers salaries for the remaining half year. . . This was agreed to, as a matter of necessity, and, in the spirit of the law, it was fully justifiable . . . but a few of the Teachers who, though actually employed for only four and a half months, to the end of 1849 demanded, and under the letter of the law, succeeded in compelling payment, of the whole year's salary,—the Courts holding that the "School Fund" proper could not be applied to any other purpose than the payment of Teachers, as required by law. . . As a rule the Teachers were authorized by the respective Trustees, to collect a Rate-Bill from the parents of the children attending the School, at the rate of 1s, 3d and 1s, 10½d per child, according to its age and proficiency, together with a small charge for fuel, pens and ink, etectera. The population of the City, in 1844, was about 18,500; the school attendance was 1,194; and the cost of maintaining the schools, for the time they were in operation, was £1,377 15s, 2d., ($5,511) which amount included £237 17s. 6d. paid by rate-bill during the four and a half months the schools were kept open, not including the sum expended in furniture.

During 1845, 1846, and 1847, the same school system was in operation, except that, owing to the increase of population, the City was divided into fifteen, instead of twelve, School Sections; and the City population, the school attendance, and the cost of the Schools, for those years, increased in proportion.

* After the Union of the Provinces of Upper and Lower Canada in 1840, the General School law, applicable to Upper and Lower Canada alike, was passed by the United Legislature of Canada in September, 1841. (This Act will be found on pages 48-55 of the Fourth Volume of this Documentary History.) That law having been found to be unsuited to Upper Canada, a special Law for the Schools of each Province was passed in December, 1843. The Law of Upper Canada will be found on pages 251-262 of the same Fourth Volume.

One of the prominent evils of the system of City "School Sections" and School Trustees, for localities, was the entire absence of all uniformity of action, as regards both the mode of teaching and the use of School Books, together with the impossibility of having Schools specially and separately for boys and girls. . .

The result of this was, that a parent, upon sending his children to the School of a Section, to which he had removed, found that the Teacher practised a different system of instruction, and used Text Books altogether different from what the child had been accustomed to in the School it had just left; and, besides this, there was a want of purpose and organization, which prevaded the whole system, and interfered with its efficient working and onward progress. It become evident that some change was required, at all events so far as Cities and Towns were concerned

Toward the close of 1847, the Legislature, by the Act of that year, 10th and 11th Victoria, amended the School laws, of 1843 and 1846 by establishing the principle of centralization, and establishing in each City and Town one general Board of School Trustees for the whole City or Town, in whose hands was placed the sole management of its School affairs. This Board was to be nominated by the Municipal Council of each City and Town; and the Board of this City, first established under the Act of 1847, (10th and 11th Victoria,) by the then Corporation, comprised a number of gentlemen, selected, it was supposed, as representing the principal Religious Denominations,

The Act of 1847 was brought into effect in this City, on November 20th, 1847, when the new Board considered what action should be taken to establish and carry on an efficient and uniform system of public instruction in this City; and one of their chief anxieties was to secure, without delay, commodious School Sites, whereon to erect substantial Buildings, of a character which, while sufficient for existing requirements, could be enlarged, as occasion presented, to meet any increased demand for school accommodation, and at the same time, of a handsome architectural appearance becoming a City like Toronto.

The intention of the framers of the new law, and the desire of the newly appointed authorities under it, was however, most unfortunately embarrassed, if not actually impeded, at the very outset, by difficulties altogether unexpected, as it was found, although not so stated in precise terms, that the amended Act of 1847 did not empower the School Board to collect a Rate-Bill from parents, and, in consequence, that the Schools must necessarily be "Free Schools." . . The Board, finding itself in this dilemma, and having no power of itself to raise money for school purposes, made an earnest appeal to the City Council to assist the Board in this emergency. As Free Schools, the amount of the Government Grant, with the corresponding City assessment, namely about £1,000, would be barely enough to maintain them in operation for the six months of the following year; the Council was appealed to to provide the means for keeping them open the whole year; the application was refused, and the Board had, therefore, no alternative but to close the schools at the end of the first half of that year, as already stated.

VII. SHOULD PROPOSED SCHOOL LEGISLATION BE SUBMITTED FOR THE APPROVAL OF CITY AND OTHER MUNICIPAL COUNCILS?

Among the many reasons urged by the Committee of the Toronto City Council on Education why its Members could not recommend that a School rate be imposed on property for the support of the Schools, was the novel one, that the proposed School Legislation of 1847 was not submitted beforehand to the Municipal Council. This question received a good deal of attention from the public press at the time. I condense an article on the subject which was written in May, 1848, by Mr. Hugh Scobie, a Member of the then Board of Education for Upper Canada, and which completes the history of this peculiar and interesting case. The writer thus replies to the question raised by the Committee:—

The Standing Committee on Education, of the City Council, have lately reported on the Common School Act of 1847 relating to Cities and Towns and [gave their reasons why a rate on property should not be imposed, as requested by the Board of Trustees]. The School Act in question was passed during the session of Parliament which was held in the summer of 1847. It did not meet with any formidable opposition in the Legislative Assembly, but, on the contrary, the changes which were introduced by its provisions were regarded as being of so very beneficial a character as to insure for the measure the cordial approval of Members, without regard to political divisions, or predilections. The Measure was brought forward by the Government, and carried through under their auspices,—receiving the support of the then Mayor and three Aldermen of the City, who held seats in the Legislative Assembly. It is of no consequence by whom the draft of the Bill was prepared. . . The Executive, were the parties with whom the

responsibility rested of submitting the Measure to the Legislature. The Bill was not confined to the City of Toronto alone, but extended to the other Cities and Incorporated Towns of Upper Canada; and, in some of its provisions is applied to the Municipal Districts.

As well might each and all of the municipal authorities, comprized in the Act, complain of not having been consulted by the Functionary who is supposed to have prepared the draft of Bill, as the Council of the City of Toronto. But in reality, the Education Committee of the City Council have no just ground of complaint against that Functionary, for the Draft of the Bill was, in fact, submitted to, and approved of by, the Mayor of the City for the time being, and some other Members of the Council. Copies of the Bill were also forwarded to Members of the Council of Toronto, when it was brought forward in Parliament.

The Committee of the Council do not surely mean to convey that the Draft of the Bill should have been submitted to and discussed by the City Council before being introduced into Parliament. The same privilege would, as a matter of course, have been exacted by the municipal authorities of the other Cities, Towns, and Districts, to whom would thus be delegated, separately and severally, the deliberative procedure for which Parliament is usually assembled. This would be a new feature in legislation, unknown in any country enjoying free institutions and an independent Parliament. . .

That the system of levying by Rate Bill is no longer in force, and cannot be resorted to, is apparent from the subjoined opinions of the late Solicitor General for Upper Canada which are also appended to the Report of the Committee. It is equally clear from the opinion of the Attorney General, that the Council is bound to raise by assessment, the sum required to meet the estimates submitted by the Board of Trustees. . . .

The principles of the School Act of 1847 are not new, although but recently introduced among us. They have been the foundation of the system of education, pursued in that portion of the neighboring Union comprising the New England States, for more than two hundred years; and they have recently been introduced into other States.

The system embodied in the Amended Common School Act of 1847 relating to Cities and Towns in Upper Canada, is taken from the long established system of New England, which has been, of late years, introduced into the Cities of Cincinnati, Detroit, New York, Brooklyn, Rochester, Buffalo, and various other places; and is found in its operation to be highly beneficial, equitable, and satisfactory. Every man in these places is taxed, according to the property he possesses; and every man has an equal right to send his children to the Schools so supported. . . .

In connection with the foregoing statement, the following illustration of the working of the Free School principle, (which was so distasteful to the City Council, and, the Education Committee in 1848,) in various Cities in the United States, in that year. The following statistics were published at the time in a Toronto newspaper, and are of special interest now, in connection with the then School Rate controversy:—

VIII. COMPARATIVE TAXATION AND CONDITION OF SCHOOLS IN UNITED STATES CITIES, 1847.

Names of Cities.	Population.	Average Attendance.	Received from the State School Fund.	Amount raised by taxation.
			$	$
Boston	114,366	13,203	4,492	194,127
Charleston	14,500	2,069	873	16,300
Lowell	35,000	3,279	804	27,000
Salem	18,000	2,500	632	30,000
New Bedford	16,030	1,886	536	21,225
Cincinnati	65,000	4,480	4,237	28,647
Detroit	15,000	424	1,252	3,506
New York	390,000	28,075	39,183	159,959
Brooklyn	70,000	2,611	4,691	16 495
Rochester	30,000	2,467	2,666	11,300
Buffalo	35,800	2,877	3 142	14,055
Albany	41,139	2,045	4.341	8,683
Troy	75,000	850	3,487	2,449
Hudson	6,000	480	640	2,832
Utica	12,000	1,032	1,286	6,141

VIII. COMPARATIVE TAXATION AND CONDITION OF SCHOOLS.—*Continued.*

Names of Cities.	Average Tax on each Inhabitant.	Annual cost per pupil on average attendance.	Number of Male Teachers.	Number of Female Teachers.	Amount paid for Teacher's Salaries annually.	Highest salary paid Male Teachers.
	$ c.	$ c.			$	$
Boston	1 69	14 66	56	221	149,426	2,400
Charleston	1 13	8 33	7	35	14,000	900
Lowell	78	8 40	18	62	22,205	1,100
Salem	1 66	10 88	8	50	14,711	1,200
New Bedford	1 32	11 54	5	49	14,500	1,200
Cincinnati	44	6 14	23	69	25,020	540
Detroit	24	11 22	4	10	3,350	400
New York	41	7 10	.....	.....	78,221	1,500
Brooklyn	23	7 89	17	74	15,950	700
Rochester	37	5 66	16	32	10,297	480
Buffalo	40	5 98	16	49	13,650	700
Albany	23	6 70	11	21	10,180	650
Troy	13	7 98	4	12	4,788	650
Hudson	50	7 65	4	4	2,740	700
Utica	51	7 57	3	12	3,392	550

Names of Cities.	Highest Salary paid female Teacher.	Average Salary paid Male Teacher.	Average Salary paid female Teacher.	Average number of pupils, taught by each Teacher.
	$	$	$	
Boston	325	1,260	315	47
Charleston	355	900	206	49
Lowell	600	800	375	41
Salem	350	812	165	43
New Bedford	400	810	215	35
Cincinnati	300	408	212	39
Detroit	200	400	200	30
Brooklyn	300	700	250	29
New York	500	1,000	250	.....
Rochester	240	135	171	52
Buffalo	300	.....	.....	44
Troy	275	650	175	53
Albany	180	602	150	60
Utica	225	450	134	68
Hudson	300	450	200	60

IX. AN HISTORICAL RETROSPECT OF THE ORIGIN OF THE CITIES AND TOWNS SCHOOL ACT OF 1847.

It was not until quite a generation, (thirty-three years,) had passed away, after the settlement of Upper Canada in 1783, that, in 1816, the First Common School Act for that Province, was passed. It was a purely permissive and tentative Act; and its duration was limited to four years. Under its provisions, School Trustees had no power to charge tuition fees; but they were authorized to collect any sums which might be subscribed for the support of their schools, in case of default of payment. A certain sum was granted by the Legislature to each

Municipal District, which the District Board of Education was directed to apportion among the Schools, on the basis of the number of pupils attending such Schools.

At the end of the four years, another Common School Act was passed, in 1820, much more restrictive in its provisions. The Legislative Grant itself was reduced from $24,000 to $10,000 a year, and Teachers were to receive the same sum equally,—in no case to exceed $50 a year.

Beyond making the usual annual grant to Common Schools, the Legislature of "Upper Canada," while it lasted, passed no further School Acts after 1824, for the improvement of the condition of these Schools nor did it to enlarge the powers of School Trustees, in the matter of raising moneys for their support.

In 1841, after the Union of the Provinces of Upper and Lower Canada, the United Legislature passed a somewhat comprehensive Common School Act—the particulars of which, and the circumstances under which it was prepared and passed are given fully on pages 13-26 of the Fourth Volume of this Documentary History.

This Act, not being adapted to the circumstances of Upper Canada, was repealed, so far as it related to that Province; and a School Act, passed in 1843, was substituted for it. While this Act embodied in its provisions the principle of taxation upon property for the support of Schools, and required an equivalent to the Government Grant to be raised in that way, as did the School Act of 1841, yet it gave no power to School Trustees to raise money for the support of their Schools except by Rate Bill upon parents sending children to their Schools.

In framing the Act of 1846, the Chief Superintendent of Education embodied in it the "rate-on-property" principle for the support of the Common Schools; but the Legislature declined to adopt it, and the proposed section of his Bill, making that provision, was struck out, (as explained in a note on page 75 of the Sixth Volume of this History.)

On this principle being incorporated in the School Act for Cities and Towns, in 1847, not only did the Council of the City of Toronto, as already explained, refuse to give it effect, but the various District Municipal Councils, with a few exceptions, practically endorsed the action of the Toronto City Council. A active agitation against the principle of general taxation for Common Schools took place; and the Chief Superintendent was charged with importing this obnoxious taxation principle for Prussia. With a view to disabuse the public mind on the subject, and to show that a system of general taxation for such Schools had been the rule for many years, in the States of New York and Massachusetts—so long noted for their educational zeal and enterprize,—the following explanatory statement and reply of the Chief Superintendent on this then troublesome question was published, as follows:—

As I am required, not only to administer certain parts of the Common School Law, but to collect and diffuse all the information in my power, relative to the Educational System contem-

plated by it, I feel it my duty to correct some erroneous representations of the School Act which have been made respecting the School Act for Cities and Incorporated Towns in Upper Canada.

It is represented that this law is of Prussian origin.* In reply, I remark, that I know of no law of the kind, in any City, or Town, in Prussia ; That I have desired nothing Prussian in the Canadian School System but the method of teaching the elementary branches of Education, adopted by the German Masters generally,† and which is most ably and admirably pursued by Messieurs Robertson and Hind in our own Provincial Normal School.

Origin of our School Law of 1847 for Cities and Towns.

Our School Act for Cities and Towns is a literal transcript of the School Acts for the principal Cities and Towns in the State of New York and in the New England States ; and it was from thence, that I borrowed the provisions embraced in it, as I stated at large in my Report accompanying the Draft of it, and which has been published in the second number of the *Journal of Education* for 1848, by permission of the Governor General ‡ The system, commended by [many critics of our School System], has been tried and superseded by our Educational neighbours ; and as our successive Administrations of Governments and Parliaments have adopted the general provisions of the New York School law in respect to Counties, it is very natural, that they should approve of my recommendation in adopting the same American School law in respect to Cities and Towns.

Unimimity of the House of Assembly in Passing the School Acts of 1846 and 1847.

This City and Towns School Act, . . . was passed the House of Assembly by an unanimous vote ; nor am I aware, that a single objection was made to it by any Member of the Assembly. Certainly, nothing of the kind was reported ; and I have stated at all public School Meetings in the several Districts in Upper Canada. as well as in that held in this City, that both School Acts of 1846 and 1847 had been passed, with the concurrence of the leading men of both parties in the House of Assembly ; and that, whatever individuals may have done, the School Law had not been made a party question, by the leading men of either political party in the Legislature.

Fallacious representation of the comparative Cost of the Schools in 1843 and 1846.

The City Council Committee of Toronto represent the comparative expense of Schools in the City, under the present and former School Act, as the difference between four pence half-penny and a penny in the pound. This is a fallacious and most incorrect representation of the provisions of the Statute. The estimated expense of the City Schools for the current year, is the recommendation of the Board of Trustees appointed by the Council, and might have been one thousand pounds, as well as two thousand pounds had the Board of Trustees thought the former sum sufficient to educate all the Common School youth of the City. It would be strange indeed to hear the Charter of the City of Toronto objected to, or the law constituting the Board of Works denounced, because of a supposed high estimate having been made by a Committee of the one, or by the appointed Officers of the other !

But the statement of the fact itself is calculated to make an erroneous and injurious impression in respect to the School interests of the most needy portion of our fellow-citizens. . . . The actual expense of the City Common Schools last year, paid by the City, was £1,795 17.4 ; while the estimated expense of them for the present year, is £2,009—only £213.2.8, more than last year. In that statement, I cannot say whether any return has been made of the expense of warming (and rents of) the School Houses. or merely the amount of School Rate-Bill Fees for Teachers' Salaries ; but assuming all these items to have been included, it is notorious, that the Common Schools of the City of Toronto ought to be placed on a more efficient footing, than they have been ; and when a Board of Trustees have proposed to do so, for the small additional sum of £213.2.8, it appears to me, that they deserve gratitude for their economy, rather than blame for their extravagance. At all events, the sum, whether great or small, is at the option of the corporate authorities of the City to provide.

*In addition to a reference to this subject on the Prussian System of Schools, on pages 214, 215 of the Seventh Volume of this Documentary History, several very strong editorials and Letters appeared in the local press at this time, charging the Chief Superintendent with the design of indirectly introducing into our Canadian School System some features of what was then characterized as "Prussian Despotism." The discussion lasted for some time, until, by experience, it was proved that the charge was groundless, and that the so-called obnoxious principle was common both to Switzerland and to the New England, and Northern, States of the American Union. The matter is here referred to as one of the educationally historical episodes of more than fifty years ago.

† This improved System of Teaching is fully explained by the Chief Superintendent on pages 152, 157, 160, 164, 166, 169, 175, 179, 183, 184 and 185 of the Sixth Volume of this Documentary History.

‡ This Report is printed, *in extenso*, on pages 188-195 of the Seventh Volume of this History.

What is the actual difference between the present and former School Acts?

But the difference between the present and former School Act, is not in the expense of the School, but in that which is kept as much as possible out of sight—namely, the principle on which it is proposed to provide for that expense. Under the former law, each parent, however poor, was rated for his children, however numerous, or else he had to send them to School as paupers. One consequence was, that, in 1846, out of four thousand, four hundred and fifty children in this City of School age, the names of only one thousand, two hundred and twenty-one, were on the Common School lists, and only one thousand were, on an average attending the Schools. Allowing, that one thousand were attending other Schools, still we have the startling and melancholy fact of upwards of two thousand children in this City of legal School age, not attending any School! The poor man, who had a large family of children, was compelled to keep most, or all, of them at home, as he could not pay the Rate-Bills, and as he could not brook to say that he was a pauper, and be excused from payment. But the present School Act of 1847 places the poor man and his children upon equal footing with his rich neighbour and his children, in respect to the Common Schools.

Property Assessment the true principle on which the Schools should be supported.

The law requires each man in the City, to support the Common Schools, not according to the number of his children, but according to his property; and then every child in the City of School age has a right to attend the Schools, as long as his conduct accords with the Regulations, which the City School authorities may make according to law. Wealthy selfishness and hatred of the education of the poor and labouring classes, may exclaim against this provision of the law, but enlightened Christian philanthropy and true patriotism will rejoice at its application. Had the property holders in Ireland for the last fifty years been responsible, each according to his property, for the Common School Education of all the children of Ireland, it would have been at this day a very different Country from what it is. The most effectual means should be used to prevent Canada from becoming a second Ireland, and, especially, in the ignorance and consequent pauperism of its Cities and Towns.

Expense of Education, per Pupil in Toronto in 1846, Averaged $7 each.

The expense of each child attending the Common Schools in the City of Toronto, in 1846, averaged £1 . 15 . 0. Had the City Board of Trustees supposed, that the system of Schools under the new law, would have been as expensive per child as the late one, their Estimate would have been much larger than it is, to meet the wants of more than three thousand children of School age, not attending classical, or private, Schools.

Existence of the principle of Taxation for Schools in New England many years.

Those opposed to our School Law express dread at the extension of this system of supporting Schools throughout the Districts, as well as Cities and Towns of Upper Canada. I confess I have sought by all argumentative and persuasive means in my power, to induce the adoption of it throughout the Province, and I rejoice to add, with success in some Districts. In the *Journal of Education* for April, 1848 there has been published from the *London Quarterly Journal of Education*, an account of this system of Schools as it has existed in the New England States, for the last century and more, together with the effects of it upon the mental and social condition of the people. There is, published herewith, (see pages 77, 78.) Statistics of Common Schools in twelve Cities of the neighbouring States, where this system (which I wish to see established in our Cities and Towns) exists; and, in the last Annual Report of the New York State Superintendent of Common Schools, there is a statement that this system of Free Schools is advancing throughout that State. On examination, it will be found, that there is economy, as well as patriotism, in this system of Schools.

Legal Opinions of the Law Officers of the Crown on the powers of City Councils.

The legal Opinions, which I had obtained on the Toronto School Case from the Law Officers of the Crown were sent to the Secretary of the School Board, and are embodied in the Report of the Standing Committee of the City Council (see page 71.)

Chief Superintendent not authorized to lay his Suggestions before the City Council.

I would observe, in conclusion, that the law requires me to lay before the Governor General-in-Council, from year to year, such suggestions and plans, as may appear to me, to be

necessary for the improvement of our School System, but does not authorise me to lay before the City Council of Toronto, or any other Council, such suggestions and plans,—whether they included an amended School Bill, or not.* But, before deciding upon the details of the measure, which I felt it my duty to submit it to the Government, I did consult both Members for the City of Toronto, -one of whom was also the Mayor of the Corporation ; I also consulted a third Alderman in the person of the late Solicitor General These gentlemen—among the largest taxpayers in the City, and who have a peculiar interest in the Common Schools,—consented to advocate a measure which would make the property of the City, through the votes of its representatives in Common Council, liable for the Common School Education of all its youth. I hope, that an amended Assessment law will soon render such liability more just, as well as more efficient. But, if I should fail in bringing within the reach of each poor man's child, the legal right, as well as means of a proper education for himself and for his Country, I shall have the satisfaction of knowing that I have done my best to accomplish it.

TORONTO, May, 1848 EGERTON RYERSON.

CHAPTER VI.

PROPOSED SOLUTION OF THE QUESTION OF MUNICIPAL SCHOOL RATE *VS.* TRUSTEES SCHOOL RATE BILL, IN 1848.

As it was important, in the interest of the Schools, to prevent a recurrence of a "deadlock" in our Educational System, such as was brought about by the adverse action to the Toronto City Council in June, 1848, the Chief Superintendent sought to meet the difficulty by again proposing certain practical amendments to the School Law, which had not been adopted by the Legislature in 1846 or 1847. In his Letter on the subject to the Provincial Secretary, in October, 1848, he said :—

> Had the Drafts of the School Acts of these years passed the Legislature in the form in which they had been submitted, I should have been relieved from troubling the Governor General-in-Council again with most of the suggestions, which I now feel it to be my duty to submit.

The real difficulty which had to be met, so as to prevent a repetition of the retrogressive action of the Toronto City Council, was, that the Legislature was averse to giving freedom of action either to the School Trustees, or to the Councils, whereby a small school rate on taxpayers might be levied, or a Rate Bill upon parents might be imposed. A combination of both plans might be considered desirable, if either of the other modes of raising money for the schools was not agreed to. With a view to propose facilities that would meet the case, with as little opposition as possible, the Chief Superintendent prepared a series of amendments to the existing laws, and submitted them, in the form of a Draft of School Bill, to the Goverment in October, 1848. His Report on the character and scope of these amendments deals fully with what was, at that time, a difficult and perplexing question, chiefly caused by want of information as to the success of the schools supported elsewhere by a general rate upon property. The following Report on the subject brings out these facts in strong relief.

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* This question is fully discussed on pages 76, 77, herewith.

I. REPORT TO THE GOVERNMENT ON THE SCHOOL LAWS OF 1846 AND 1847, ACCOMPANIED BY A DRAFT OF BILL FOR THEIR IMPROVEMENT.

In accordance with the requirements of the Common School Act of 1846, 9th Victoria, Chapter 20, Section 2, Clause 11, I have the honour to submit herewith, for the consideration of the Governor General-in-Council, such suggestions as appear to me, from personal inquiries and experience, to be necessary for the improvement of the system of Common Schools in Upper Canada.

On the 27th of March, 1846, I had the honour to submit, with the requisite explanations, the original Draft of the School Act, 9th Victoria, Chapter 20 ; and on the 3rd of March, 1847, I had the honour to submit, with corresponding explanations, the original Draft of the School Act of that year, 10th and 11th Victoria, Chapter 19.*

Had the drafts of these Acts passed the Legislature, in the form in which they were submitted, I should have been relieved from troubling the Governor General-in-Council again with most of the suggestions which I feel it my duty to submit. But several changes were made in the details of these Bills, while before the Legislature, which have occasioned an immense deal of inconvenience, and much dissatisfaction, in the working of The Common School Law in Upper Canada. The change, or omission, or addition, of a word, or sentence, may destroy the harmonious whole of a measure in a way which might not be conceived by any except those who were concerned in preparing it. In this way have some of the details of the Common School Acts referred to been rendered nugatory, or lame, or inconvenient. Should the propriety and necessity of continuing any of the provisions of the existing law, or the adoption of those which I have the honour to submit in the annexed Draft of a School Bill, be considered doubtful, I shall be happy to go before any Committee, or Commission, which may be appointed to investigate the subject.

How the Public was Consulted by the Superintendent in regard to School Legislation.

Before stating the grounds on which I submit the provisions of the accompanying Draft of School Bill, I think it proper to advert to the means which have been employed to ascertain the adaptation of the existing School Law to the circumstances of the Country, and the objections which have been made against some of its provisions.

On the provisions of a Common School Law for Upper Canada, I have spared no pains to obtain the fullest, the most practical and the most reliable information. I have done so, not by merely examining and collecting the Common School Laws of many other Countries, and investigating their practical operations, but by extensive and patient inquiry, by means of correspondence and personal consultation, in the various Districts of Upper Canada. Two of the subjects of consultation at each of the District School Meetings which I attended last autumn, were the following :—

1. "To answer any questions which may be proposed, and give any explanations which may be desired, respecting the several provisions of the Common School Law.

2. To consider any suggestions which may be made for its improvement.

Thus, the provisions of the School Act, by previous public announcement, came under discussion at the Public Meetings held in the several Districts of Upper Canada ; and many persons who had written in the Newspapers against the School Law, and others, who had objections to it, or inquiries to make respecting its provisions, appeared on these occasions. But I found that, in almost every instance, the objections were against what had been erroneously represented, or supposed, to be the provisions of the School Act ; and that when its provisions were made known and divested of the false colours with which they had been invested, it, scarcely anyone, at any single Public Meeting in Upper Canada, was disposed to object to them, or to desire anything more than such extension of the powers of School Trustees and Municipal Councils, as I propose in the provisions of the annexed Draft of Bill, and which I had previously submitted to the favourable consideration of the Governor General-in-Council. I know of no other Law in Upper Canada which has been tested by such a popular ordeal ; and, at not a single one of the Public Meetings referred to, was a Resolution passed, or even proposed, condemnatory of the School Law, or objecting to any of its leading features.

Hostile Educational Proceedings of some District Municipal Councils.

I think it proper to refer also to the proceedings of the various District Municipal Councils on this subject. An attempt was made about a year since, by a Circular letter addressed to the District Councils of Upper Canada,† to draw an expression of opinion from them unfavourable

* Copies of these Communications will be found in preceding Volumes of this Documentary History ; that of 1846 on pages 71-78 of the Sixth Volume, and that of 1847 on pages 188-195 of the Seventh Volume.

† This Circular is printed on pages 118, 119 of the Seventh Volume of this History.

to the School Law; but the attempt failed, as a majority of the three-fourths of the Councils either took no notice of the appeal made to them, or expressed themselves unfriendly to any hostile change in the Law.

In the first Section of my annual School Report for 1847, I have stated the circumstances under which dissatisfaction has arisen in the Western and Dalhousie Districts, and which no School Law can remedy, and which can only be remedied by the Councils themselves and the progress of knowledge * In no one instance has any Council complained of the administration of the Law by the Provincial Superintendent. An unfriendly allusion to him by the Bathurst District Council may readily be accounted for by the fact, that the Council of that District failed to raise its moiety of the School Fund for 1845, and the Provincial Superintendent insisted that a condition which had been complied with by the other District Councils in Upper Canada ought to be fulfilled by the Council of the Bathurst District, as required by law.

Objections to the Provincial and District School Superintendents and Normal School.

In one or two instances the Office and powers of the Provincial Superintendent of Schools have been objected to, as also the office of District School Superintendents, and the establishment of the Normal School. In respect to the Normal School, I deem it inexpedient to add anything to what I have stated in my Annual Report. . . . It cannot be supposed that all the District Councils have been equally fortunate in their selections, or appointments, of Superintendents, and, therefore, its official utility has not been exemplified in all of the Districts. But I question whether there is any office in the Common School System of greater importance; and it is so viewed in Districts where the Schools have made the greatest progress, and where the office is filled by persons of zealous industry and suitable qualifications and experience.

As to the office and powers of the Provincial Superintendent, I have only to refer to the accompanying Appendix, No. 2,† where the examples and laws of the neighboring States, on this subject are given at length. But I think it proper to remark here, that although during the last three years, I have had to decide upon several hundred cases of complaint, representations and appeal, arising out of the operations of the late School Act (of 1843), and the introduction of the present one (of 1846), yet not an instance has been adduced, or even alleged, in which I have exercised the powers of my office improperly, or injuriously. There is probably not a tribunal in the Province in which so many cases of doubt and dispute have been disposed of since January, 1846, as in the Education Office for Upper Canada, constituting as it does a kind of equity tribunal of appeal in a system which includes all the District and City and Town Councils, nearly 3,000 Teachers and 9,000 Trustees, besides various other interested parties; and the fact that the Governor-General-in-Council has not set aside one of its decisions, or even been appealed to in regard to but two of them, is a sufficient justification of their equity, and the manner in which they have been communicated to parties concerned. I think it is but just to remark also, that, as far as I know, not one of the various Regulations which have been prepared in the Education Office, as required by law, for the Organization and Management of Common Schools, under the present law, has been appealed from, or objected to, as unjust, or inexpedient. Nor has there been any failure in any of the Measures which it has been my duty to submit for the establishment of a Normal School, and my recommendations as to its Officers, besides the almost daily calls made upon me in respect to its operations and affairs, and the voluntary labour and responsibility of publishing a monthly *Journal of Education*.‡

An objection having also been made, in one instance, in respect to the respective powers, relations and duties of the Chief Superintendent and of the Provincial Board of Education, I refer to Appendix No. 3,§ where the examples and usages of the Countries from which our School System has been adopted are stated at large. It will there be seen likewise, that the Office of Minister of Public Instruction in Prussia has not been political since 1817, and that the Head of the *Department of Primary, or Common, School Instruction in France* has never been a political office.

As to any measure which it may be thought expedient to adopt, in regard either to the office of Chief Superintendent of Schools for Upper Canada, or its Incumbent, I have nothing to say; but I have considered it no more than an act of justice to myself, to make the above remarks and references. The statistics contained in my Annual Report furnish a sufficient illustration of what has been done under the administration of the present School Law.

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* See page 152 of the Seventh Volume of this Documentary History.

† Not inserted. The Paper refers to the office and powers of Superintendents in the United States.

‡ For means submitted to establish this Journal, and to visit the several Districts in Upper Canada, see pages 270-272 of the Sixth Volume of this History.

§ Not inserted.

In Districts, Where the Schools Have most Advanced, there is no Agitation.

It is worthy of remark that in those Districts where the Schools have most advanced, and where the greatest interest has been evinced to improve and elevate them, the District Municipal Councils have formally objected to any proposition to change the provisions of the School Law. This has been done by the Municipal Councils of the Midland, Colborne, Simcoe, and Niagara Districts* If the provisions of the School Law were unnecessarily complex, or cumbrous, it would doubtless be discovered in these, as well as in other Districts. In the Municipal Councils of the Johnstown, Prince Edward, Victoria, Talbot and Huron Districts, I have understood the Newcastle District Warden's Circular against the School Law was not even taken into consideration.† . . . In the Brock District the Municipal Council at one Session adopted a hasty general Resolution unfavourable to the School Law, but at the next Session, when the subject was brought before the Council, in a proposition to adopt the Memorial of the Gore District Council against the School Law, the mover, after a full discussion, withdrew his proposition,—the Council unanimously refusing to entertain it. During the last January Session of the Home District Council, a Memorial to the Legislature against some provisions of the School Law was adopted in Committee ; but at the following June Session, after a notice had been given and a time appointed for considering the Memorial, it was abandoned by common consent.

The Memorial of the Home District Council having been withdrawn (though it had been widely circulated and much commented upon,)‡ and the principal objects contemplated in the Memorial of the Bathurst District Council, being provided for in the accompanying Draft of Bill, the mutually antagonistic Memorials of the Gore and Colborne District Councils remain to be noticed ; and as the latter contains all the remarks which appear to me to be called for in respect to the former, I give them both in the Appendix, Nos. 4 and 5.§

II. GENERAL REVIEW OF THE STATE OF PUBLIC OPINION ON THE SCHOOL LAW.

These facts sufficiently indicate the deliberate convictions of the most experienced portion of the population in regard to the general provisions of the School Act,—convictions founded upon actual inquiry and experiment, and not theories of speculation, or impulses of unreason. No law which contemplates the removal of grovelling, or selfish, ignorance and the elevation of society, by means of efficient Regulations and general taxation for Schools ever has been, or ever will be, popular with the purely selfish, or the listlessly ignorant. All such laws must be sustained for a time at least, by the joint influence of the Government and the intelligent and enterprising portion of the community. In such cases, it is always in the power of the Government to turn the scale in favour of either knowledge, or ignorance. The views and intentions of the present Government respecting the School Law having been a matter of doubt and various representation, the difficulty of administering it during the current year has been increased, and persons opposed to its operations have not been wanting in their efforts to paralyze its authority and impede its success.

Nature of the General Objections to the details of the School Law of 1846.

The principal allegation which has been made against the details of the School Law is, that they are "too complicated." But of this I have never seen any illustration given, nor any remedy proposed. I have never heard or seen it even stated on what particulars the "too great complication" consists, or how they can be remedied. I have heard the broad and vague assertion that the "duties of Trustees are too complicated" ; and, to those who have not examined the subject, the assertion might seem an argument. But on asking the objector, (as I have done at various Public Meetings,) whether the office of Trustee ought not to be continued in the machinery of the School Law, and whether Trustees must not, 1st, employ a Teacher ; 2nd, impose and collect Rate-Bills, and give orders on the District Superintendent for the Teacher's salary ; 3rd see the School-House is kept in repairs and warmed ; 4th, see to the selection of suitable School-Books ; 5th, make their annual Report and Return of School-children to obtain their due share of the School Fund ; 6th appoint the Annual Meetings for the election of their successors ? The answer of the objector himself has, without exception, been in the affirmative ; and my reply has been, and is : that these are all the duties that the law requires of School Trustees, and, therefore, those duties are as few, and as simple, as possible in an efficient System of Schools. And to aid Trustees in the performance of these duties, blank forms and plain directions are provided for them.

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* Particulars on this subject are given on pages 113-130 of the Seventh Volume of this Documentary History.

† *Ibid.*

‡ A copy of this Memorial is inserted on pages 120-122 of the Seventh Volume of this History.

§ Not inserted here ; as both of these Memorials will be found on pages 114-118 of the Seventh Volume of this History.

The objection to the Powers of School Trustees is often against their misuse.

It is true that, with all these helps, many Trustees are incompetent to the duties of their office; but Trustees cannot be made competent by Act of Parliament. An Act of the Legislature cannot bestow intelligence, any more than it can impart intellect. It is indeed alleged, that competent Trustees are not to be found in many parts of the Province. If this were true, the objection would be against the office of Trustees, but not against the duties essential to it, wherever it may exist. But I doubt the correctness of the allegation. I doubt whether there are ten School Sections in all Upper Canada, in each of which three men of some education and practical intelligence could not be found. I am persuaded that the most careful inquiry would show that the reason of incompetent Trustees has been the indifference and carelessness of the people in electing them,—an evil which time and experience will yearly lessen, as it has already done.

Powers of School Trustees in Upper Canada and New York State contrasted.

It is also worthy of remark, that the duties of Common School Trustees are much more complex and onerous in the State of New York than in Upper Canada. There, in addition to all the duties required by law of Trustees here, the Trustees have to verify every report and return by oath, or affirmation, before a Magistrate; are liable to a fine of ten dollars individually for every departure from any of the voluminous instructions, or decisions, of the State Superintendent; a fine of twenty-five dollars each, and to be held guilty of misdemeanor, for every false report, or false return; and a personal accountability for the amount, with interest, for all School Moneys which may be lost to their School Division, in consequence of their neglect of duty, or irregular proceedings.

What are the Chief Characteristics of Our School Law?

It is on the provisions of our School Law, relative to the duties of Trustees, that the charges of uninformed and inconsiderate objections have been most frequently and plausibly rung, and without any reason whatever, as the above remarks and comparisons show. The result would be the same if I were to notice the provisions of our School Law respecting the duties of District Councils and Superintendents. It has been my endeavour from the commencement, to make the provisions of our School Law as few, and as simple, as possible, and to assimilate them to the other Municipal Institutions of the Country; they are less than half as numerous as the Sections of any other popular School Law of the neighbouring States that I have seen: and I know not, after two years' experience, how any one of them can be dispensed with without injury to the efficiency of the whole.

The present Act has created no new office,—no office which had not been authorized by two previous Acts; but it dispenses with one whole class of (more than three hundred) offices which had previously existed,—thus simplifying the machinery, and greatly reducing the expense of administering the School System.

Four classes, or coteries, of Complainants against the School Law.

But still there are four classes, or coteries, of persons who always have been, and who, in all probability, will be opposed to the provisions of any and every general School Law, and who, though not numerous, make up in occasional dogmatism and vehemence what they want in numbers.

1. There are some School Masters—generally of inferior standing,—who insist on being made independent of the Trustees, so that the Trustees cannot dismiss them, or dispense with their services, without establishing some charge against them for violation or neglect of duty.

2. There are some Trustees—also of little capacity, or intelligence,—who insist upon having the right, (independent of agreement and without notice,) of dismissing a Teacher at any time, if he should not answer their expectations, or make himself generally popular. I have had to decide upon numerous complaints and appeals coming from both these classes of persons.

3. There is a third class of persons who are opposed to any other than Denominational Schools.*

4. There is also a fourth class of persons who are opposed to any state system of Common School Education, who are, therefore, opposed to all taxes, or assessments, for the support of Common Schools, and who advocate leaving the education of the people to private "voluntary" effort.

*For answer to the objection that the City and Town School Act permits the establishment of Denominational Schools, see the third miscellaneous observation at the conclusion of the Chief Superintendent's Annual Report for 1847, page 178 of the Seventh Volume of this Documentary History.

THE SYSTEM OF EDUCATION IN UPPER CANADA SHOULD BE GENERAL AND HOMOGENOUS.

Now, to have a system of Common Schools in harmony with our institutions, and yield to any one class of these objectors, is out of the question ; but they, in connection with other persons actuated by mere personal, or party, feelings, have opposed every step which has been adopted to establish and mature our present Common School System. With how little success, and what a small and insignificant portion of the community all these classes constitute, the foregoing references, and the statistics of my Annual Report, (for 1847,) afford ample evidence.

I have adverted to these facts, and made these references, in order that the Government may have every information as to the character of the opposition to the School Law, and as to the extent to which it has received the support of the Country. The fact that opposition to it has diminished and disappeared just in proportion as it has become understood and been practically introduced to different Districts, is a sufficient justification of its provisions, and a sufficient refutation of the vague attacks that still linger in two or three solitary newspapers out of the whole press of Upper Canada.

III. EXPLANATION OF THE PROVISIONS OF A PROPOSED SCHOOL BILL OF 1849.

I now proceed to explain the grounds on which I submit to the favourable consideration of the Governor General-in-Council the provisions which are contained in the Draft of School Bill; which I have prepared ; in which I do not propose anything which will require the change of a single existing Form, or Regulation ; but only to provide for wants which the progress of the system has created ; and to supply defects which I have repeatedly pointed out in the existing law.

I beg also to remark that I have consulted some intelligent and practical Educationists . . . on the Draft of Bill which I have prepared, and they fully concur with me in the expediency of its provisions, and that changes in the provisions of the existing School Law would be attended with great inconvenience and injury to the interests of Common Schools.

Authority to Impose Rate Bills. The object of the first Section of the accompanying Draft of Bill is to give Boards of Trustees in Cities and Towns the same power to impose and collect Rate-Bills for Tuition Fees, which the law confers upon Trustees of Common Schools in the rural Districts. It is known that the only means provided by the School Act of 1847 to raise the salaries of Teachers in Cities and Towns, is by Assessment imposed by the Councils, or Boards of Police,—securing to all children of School age the privilege and right of attending School, without any further burden, or hindrance, of Rate-Bills. The attendance of pupils at the Common Schools in the several Cities and Towns in Upper Canada, since the introduction of this Act, is from one-third to one half more than it was before ; but, notwithstanding, this increase of pupils in the Common Schools of the City of Toronto, (as well as in other Cities and Towns,) during the first-half of the current year, the Council has closed the Schools,—refusing to provide for their support by assessment upon property during the second-half of the year.

The Principle of Free Schools will ultimately prevail. Though I am convinced of the equity, the patriotism, and the great importance of the "Free School System," and am perfectly satisfied that it will ultimately obtain in all our Cities, Towns, and Districts ; yet I have not desired other than its voluntary introduction in any District, City or Town. On referring to my Communication to the Provincial Secretary of March 27th 1847, enclosing the original Draft of the Act of 1847, 10th and 11th Victoria, Chapter 19, it will be found that I proposed investing the Boards of Trustees for Cities and Incorporated Towns with the same power which I propose in the accompanying Draft of Bill,—that each Council, or Board of Police, might exercise its own discretion, as to raising a part, or the whole, of the Teachers' salaries by assessment, and leaving a part, or none, to be raised by Rate-Bill imposed by the Trustees on the parents of children attending School.* In the third Clause of the fifth Section of that original Draft of Bill, it was proposed to empower the Board of Trustees, amongst other things,

To impose any additional Rate-bill which they may judge expedient for paying the salaries of School Teachers, for furnishing the School, or Schools,under their charge with suitable Apparatus and Books, and for repairing and warming, and keeping in order the School House, or School Houses, in their possession, and to employ the necessary means for collecting the same.

But the Attorney General, being impressed with myself of the importance of the "Free School System," and being of opinion, that, as the eighth Section of the Bill invested the Council, or Board of Police, of each City and Town with power to do the same thing, it was not desirable to invest the Board of Trustees with like power ; and the clause above quoted, was altered as follows—(as it exists in the printed Act of 1847,)

To prepare, from time to time, and lay before the Corporation of such City, or Town, an Estimate of the sum, or sums, which they may deem expedient for paying the salaries of School Teachers, etectera.

*This Communication will be found on pages 188-195 of the Seventh Volume of this History.

I regret exceedingly the alteration in this Clause of the original Draft of the City and Town School Act of 1847 ; and I propose by the First Section of the annexed Draft of Bill to restore, virtually, the original Clause. There will then be the same discretion in Cities and Towns to adopt either the Free School, or the Rate-Bill System, as now exists in Districts ; and should the First Section of this Draft of Bill become law, in connection with the existing Act ; every City and Town can establish what kind of Schools they may think proper and support them in any way they please, the law only providing those guards which are essential to a Public System of Elementary Instruction.

The Second Section of the annexed Draft of Bill proposes to give all Trustees of Common Schools power to do what I sought to get them empowered to do when I submitted, (on the 3rd of March, 1846,) the original Draft of the Act, of that year, 9th Victoria, Chapter 20.* In the sixth Clause of the Twenty-sixth Section of the original Draft of that Act, I proposed to empower Trustees, if they thought it expedient, to

Cause the Rate-Bill to be made up on all the inhabitants of their School Section, according to the valuation of property, as expressed in the Township Assessor's Roll, who shall allow any one of the Trustees, or their authorized Collector of each School Section in his Township, to make a copy of such Roll, as far as it relates to each such School Section respectively.

I have been repeatedly assured in various Districts that, had this Clause become law, great inconveniences to Trustees, and great hindrances to the efficiency of the Schools and the attendance of children, would have been prevented.

Options in the Discretionary Financial Powers Proposed for School Trustees.

The Second Section of the proposed Draft of Bill is designed to invest Trustees with this discretionary power. Should it become law, Trustees will have the option of four different methods of raising the salary of their Teacher—namely, (1), by voluntary subscription ; (2), by Rate-bill on parents sending children to the school ; (3), by imposing a Rate-Bill on all their constituents according to property ; or (4), by applying to their Municipal Council to do so.

I cannot see any objection to giving such a discretionary power to Trustees. The best method of supporting the Schools will ultimately obtain, and all others will be abandoned. But, if you attempt to force, even the best method upon any School division, you excite prejudice and rouse resistance against it, and do more harm than good. You likewise embarrass and discourage the adoption of the best means of supporting Schools when you impose obstacles in the way of their attainment. This is the case when Trustees are prevented from adopting the free system of supporting their Schools without applying to the District Council for a special assessment for that purpose. Making such applications is attended with a good deal of trouble and delay, and sometimes disappointment ; for a single selfish individual, who may happen to be a party friend and supporter of the Township Councillor, can often defeat, in the District Council, the application and financial arrangements of any corporation of responsible School Trustees in his Township. This has been already done in several instances in different Districts ; and School Trustees, sooner than incur so much trouble and difficulty, and risk, have allowed their Schools to drag along in the old way.

Parallel Case of Township Councillors and of School Section Trustees.

If a Council, consisting of one, or two, elected Councillors from each Township, can impose assessments upon the whole District for any Municipal purpose, without the interposition of the Provincial Legislature, I see not why three elected Trustees from each School Section should not be invested with power to support the School of a Section of a Township in their own way, without the interposition of the District Council.

The majority of the School electors in a School Section will elect Trustees who will carry into effect their own wishes, as to the mode of supporting their School. Thus, public opinion, in each School Section, will directly operate on the interests of the School ; and the very discussion of such questions each year by the people in each School division will tend to awaken attention to the importance of Common School Education, and promote its extension. Then, on the other hand, no evil, or inconvenience, can arise from leaving to the Municipal Council its present power, as to individual School Section assessment, as it will never be exercised unless desired by Trustees themselves.

It will be observed that I do not propose to give Trustees power to impose Rate-Bills for the building of School-Houses, or the purchasing of School premises. These belong to the Council ; and to the Council alone, therefore, is confided the power of providing the means of procuring, or erecting, them.

*See pages 71-79 of the Sixth Volume of this Documentary History.

The Evils of the Tuition Fee System impair the efficiency of the Schools.

On the evils of the present Rate-Bill, or tuition fee, system, arising from the insufficient powers of Trustees, I need not here remark. They are evils which I have, from the beginning, sought to remedy ; and for convenient reference, should any Member of the Government wish to ascertain the character and extent of these evils, I subjoin copies of my remarks accompanying the former Drafts of Bills, (already referred to.) The too limited powers of Trustees to provide for the necessary repairs and furniture of School-Houses and salaries of Teachers, has occasioned more dissatisfaction and embarrassment in the operations of the School System than any other subject whatever. I refer to the Remarks on former Drafts of School Bills, [already published in these Volumes] to which the attention of parties concerned is directed, for a full view of the inefficiency and injustice to Trustees of the present system.

Provision in the Bill with Regard to Text-Books and School Apparatus.

The Third Section of the proposed Draft of Bill will enable Trustees to provide the necessary Text-Books and Apparatus requisite for their School.

It is found that the fourth and fifth clauses of the Twenty-seventh Section of the Common School Act of 1846 is not sufficiently full and explicit on this point. The power I here propose to give to Trustees is possessed by all Trustees and School Committees in the neighboring States. The tenth clause of the Twenty-seventh Section of the Act of 1846 empowers Trustees to select the Text-Books for their Schools ; but, if they are not empowered to procure them also, any parent, who may refuse to do so, can defeat the object contemplated by the selection of an uniform series of Text-Books, and prevent the classification of pupils in the School. The obvious necessity and importance of the proposed Section will supersede the necessity of any further remarks upon it. It will be seen that this Section has no reference to School Libraries, but only to Text Books and Apparatus "for the use of pupils in the School."

Provision in the Bill of 1849 for the Education of Pupils over School Age.

The fourth Section proposes to provide for the admission of pupils over sixteen years of age to the Common Schools, upon the same terms, and under the same Regulations, as children of legal school age. The law defines the school age to be from 5 to 16 years. The law of the State of New York does the same ; and such a definition and limitation are requisite where school population is made the basis of distributing the School Fund. But I think no such limitation is required as to the attendance of pupils at the School. Much inconvenience and many disputes have arisen from the limitation of the law, as it now stands. It is justly said that if a farmer does not teach his sons to work on the farm before they are sixteen years of age, they will become averse to work, and never make good farmers. But children cannot acquire a proper education before they are sixteen years of age, without constant attendance at School. There is also comparatively little for many farmers' sons to do in winter, especially since the introduction of threshing and other labour-saving machines ; so that not a few farmers' sons get the greater part of the education by going to school in winter, after they are sixteen years of age. It appears to me inexpedient, as well as injurious, to throw obstacles in the way of young persons attending the Common Schools as long as they please. I think the facilities should rather be increased than diminished for them doing so. I have had many requests to get the law amended in this respect.

Rural School Trustees should make Annual Reports to their Constituents.

The Fifth Section of the Draft of Bill is intended to secure to the inhabitants of each School Section full information annually respecting all their School affairs, as well as an account of the expenditure of their School moneys. At the present time there is no way of making Trustees account for the School moneys of the Section, or of enabling them to vindicate themselves from unjust accusations. Complaints have been made to this Office of Trustees misapplying moneys which had been raised for the building, or repairs, of School Houses. It has been said that Trustees have assumed the work of building, or repairing, a School house, and then paid themselves extravagantly for so doing. The law of the State of New York requires Trustees to account to their successors, and authorizes such successors to prosecute their predecessors for School moneys not accountable for. But this supposes changes in the persons of Trustees, and appears to me to be attended with great delays and inconveniencies. I think the method proposed in the Fifth Section of this Draft of School Bill will be found simple, efficient, and popular. The proposed mode of having the Trustees' Annual Report read at the Annual School Meeting obtains in the State of Massachusetts, with the happiest effects. And, if Trustees are improperly accused by any individual respecting their mode of expending School moneys, they can request the annual meeting to appoint a person, in connection with one of their own selec-

tion, to examine their accounts. Such an *exposé* of all the financial and statistical affairs of each School Section at the annual meeting, cannot fail to give additional importance to such meeting, and be the means of eliciting and diffusing much useful information, and exciting much additional interest, on the subject of Common Schools. Thus, in connection with the increased powers of Trustees, in respect to financial matters, it is proposed to afford increased facilities for securing to its constituents an annual account of the exercise of these powers.

Precautions against School Trustees' False Reports and False Returns.

In the Sixth Section of the Draft of School Bill, it is proposed to guard against false Reports and false Returns. As the School Fund is distributed to the several rural School Sections in proportion to the School population, or School attendance, there is a pecuniary temptation for Trustees and Teachers to exaggerate in their Reports or Returns. By the School Law of the State of New York the penalty for any such false Report or Return is $25, and punishment for misdemeanor. There, also, every Report and every Return and Account, must be verified on oath before a Magistrate. But I do not like such multiplication of oaths; nor do I think it is an efficient remedy for the evil,—which I fear is not an imaginary one. Besides, it would be exceedingly troublesome for Trustees to go before a Magistrate to certify on oath every School Report, or Account, which they might transmit to the District Superintendent, or Municipal Council. I think the proposed remedy will be sufficient; and as any person can complain in case of such false Report, or Return, the inhabitants of neighbouring Sections will be a check upon each other in respect to exaggerated returns. This much in relation to Trustees.

Increased powers given to District Municipal Councils.—School Superintendents.

In the Seventh, Eighth, Ninth and Tenth Sections of the annexed Draft of Bill, I propose to give some additional powers to District Municipal Councils.

The Seventh Section proposes to authorize the appointment of a second Superintendent of Common Schools in any District, in which there are more than 150 Schools. A similar provision in respect to Counties was incorporated into the School Law of the State of New York in 1844. I proposed the same Section in the original Draft of last year's School Bill, (1847.) It passed the House of Assembly, but it was inconsiderately omitted by the Legislative Council. In both the Home and London Districts, only two thirds of the Schools were visited during the last year; and I have heard of Schools in the Home District which have not been visited by the District Superintendent for two years. The reason assigned is, that the District is too large for one man to visit all the Schools, and attend to the other duties of a District Superintendent. In the State of New York, a Summer and Winter visitation of the School is required, and a Report of each. I do not propose to make it imperative upon a District Municipal Council to appoint a second District Superintendent in the cases referred to, but to invest it with discretionary power to do so.

Appointment of a County Board of Examiners to Grant Certificates to Teachers.

The Eighth Section provides for what I have intimated in my Annual Report, under the head of "Certificates of Qualifications to School Teachers" is a desideratum in the School Law, --a uniform and efficient method of examining and classifying Teachers. Formerly Certificates of Qualification were given by both District and Township Superintendents. On doing away with the office of Township Superintendent, it did not appear desirable to place the standing of all the Teachers in each District in the hands of a single individual, -the District Superintendent,--who sometimes had differences with them on financial, and other, grounds; and it would also appear a great inconvenience to Teachers. It was, therefore, proposed to authorize any two School visitors to give a special Certificate to a Teacher for one School and for one year. But I have stated, that this arrangement was but a transition step from an inefficient and defective system to a better one, which I should propose as soon as the work of Common Schools would get a little more advanced. In various Districts during my tour twelve months since, I stated these views and indicated the plan which is embodied in the Eighth Section,—namely, the appointment of a Board of Examiners by each District Municipal Council, the District Superintendent being Chairman and Convener. My annual Report shows that, comparatively, a very small number of Teachers get Certificates of Qualifications from Visitors, a fact which can now be adduced to show the inexpediency of continuing the practice. The proposed plan will relieve the District Superintendent from much personal responsibility, and prevent Certificates from being given, as is often the case, upon the ground of pity to the applicant, who begs for it as the only means of obtaining subsistence. It will be a great saving of time to the District Superintendent, as he will have to devote only four, or eight, days in a year to examining and giving Certificates of Qualifications to Teachers; whereas, now he is liable to be called upon every week day in a year by individual candidates for that purpose. And some Superintendents,

in large Districts, assign this fact as a reason for not visiting the Schools more frequently,—though I have advised that public notice should be given by the District Superintendent, that only on certain days of each month he would be at home to examine and pay Teachers. The proposed plan will have a salutary influence upon Teachers, and prompt them to improvement, —when they have to meet upon a common ground, and in one place with others, and be judged according to their actual merits and by a common standard.

This will also afford the means of carrying into beneficial operation the Forty-first Section of the Common School Act of 1846, which requires the three-fold classification of Teachers according to a Programme, which shall be prepared by the Chief Superintendent of Schools with the concurrence of the Provincial Board of Education, and under the sanction of the Governor-General-in-Council. Such a Programme for the Examination and Classification of Teachers I shall be prepared to submit, on the Eighth Section of the annexed Draft of Bill becoming law. In accordance with such a Programme, first class Teachers would occupy their proper place of distinction, and the profession would be gradually sifted of incompetent members, and be elevated in character, respectability, and efficiency,—becoming both a means and indication of the advancement of society. The proposed Section allows a whole year for carrying this important improvement into effect in each District, after the appointment of the District Board of Examiners.

Provision for the Establishment of Schools for Coloured Children, when necessary.*

The Ninth Section,—authorizing each District Council to establish one or more Schools for the children of Coloured people—is submitted with extreme pain and regret. I had hoped that the Act authorizing different kinds of Schools in Cities and Incorporated Towns would, to a great extent, meet the case of this class of our fellow-subjects; but I was surprised to find, during my tour, last autumn, to the Western District, (where there is a large number of Coloured people,) there was not a single one in any of the Incorporated Towns. These people are taxed for the support of Common Schools as are others; yet are their children excluded from the Schools. I have exerted all the power that I possessed, and employed all the persuasion I could command, but the prejudices and feelings of the people are stronger than law. In the Western District there happened to be nearly £200 balances of School moneys of previous years in the hands of the District Superintendent; and under the authority of the 13th Section, clause 9, of the School Act, I requested the District Superintendent to aid the Schools of the Coloured people according to their population, so as to place them on an equal footing with their White neighbours. I have done the same in other Districts when appealed to. But this is a contingent and imperfect mode of doing justice to the Coloured people. I, therefore, propose the Ninth Section of the present Draft of Bill to meet their case.

Definite mode of fixing the Sites of Common School Houses by District Councils.

The Tenth Section proposes to invest, in explicit terms, each District Council with power to decide as to the Sites of School-Houses. In cases of complaint, or appeal, to this Office relative to sites of School Houses, I have invariably referred them to the District Council within the jurisdiction of which the parties concerned resided,—stating my belief that the Council was the proper tribunal to decide on such cases. Nevertheless, as the Act of 1846 is not explicit on this point, I propose the Tenth Section to make it so.

Provision to Permit the Employment of Alien Common School Teachers.

The Eleventh Section proposes the repeal of the clause of the Common School Act which prohibits the given Certificates of qualification to Aliens. I have in my Special Report of June 1847,† intimated my doubt as to the necessity, or beneficial operation, of this Clause of the Act. From what I learned during my tour last autumn, I believe the effects of this clause to be injurious. It has, in many instances prevented the employment of good Teachers, and necessitated the employment of very inferior ones. In most cases it is of no consequence; and in the cases where it is of practical importance, I think the matter may be safely left to the local School authorities. This is the only repeal Section which I have to propose.

Distribution of the School Fund on the basis of School Attendance.

The Twelfth Section proposes giving a discretionary power for the distribution of the School Fund in each District to the several Schools according to attendance, instead of according to

* See Correspondence on this subject, and other references to it, on pages 210 and 306 of the Seventh Volume of this Documentary History.

† See page 111 of the Seventh Volume of this History.

School population. The Bathurst District Council has strongly advocated attendance as the basis of distributing the District School Fund. As population within certain ages has been invariably adopted in all the popular School Laws with which I have met, as the basis of distributing the local School Fund of each County, or Town, as well as the State, or National, School Fund to the several Municipal localities, I hesitated in proposing any other, until a few months since, when I received the last Annual Report of the Massachusetts Board of Education, in which I find the distribution of the School Fund on this basis recommended to the Legislature with a force of argument which, I think, cannot be resisted. I find that experienced persons, whom I have consulted, are of the same opinion. I find, on examination, that in many large School Sections, the attendance of pupils is often not larger than in small ones. Distributing the School Fund according to attendance will therefore be favourable to small Sections. I find also that the attendance of pupils in new and poor rural Sections and Townships is larger in proportion to the whole School population, than in older Townships and Cities, or Towns. The adoption of the proposed principle of distribution, will, therefore, be favourable to the newer and poorer sections of the Country. This is the result of a most extended inquiry into the statistics of School attendance, as compared with School population, in the State of Massachusetts: and the Secretary of the State Board of Education concludes his argument on this point with the following impressive remarks :—

It is most obvious, then, that an apportionment of the income of the School Fund, according to the average attendance of children upon the School, taking the mean attendance for both Summer and Winter Schools, would conduce greatly to the benefit of the smaller, the more agricultural, and the more sparsely populated Towns (*i.e.* Townships). It would distribute the bounty of the State on the principle of "helping those who help themselves." It would confer the benefit of the income on the children who attend the public Schools, instead of bestowing it in behalf of children who attend Academies and private Schools, and never enter Public Schools at all: and thus it would give a practical answer to the pertinent question why money should be given to those who disdain to use it. And, lastly, it would be a new argument of great weight in many minds in favour of a more uniform attendance upon School; because the detention from School of any child who ought to be in it, would diminish the Town's share of the income, and thus inflict palpable injustice, not only on the absentee, but on all other children in the Town.

Proposal to aid in the Establishment of (Township) Common School Libraries.

The Thirteenth Section proposes a small provision for commencing the establishment of Common School Libraries.* I propose to do so on the same principle and in the same manner with that which has been so extensively and so successfully adopted in the neighboring States—except that the Regulations for this purpose are there made by the sole authority of the State Superintendent of Schools, whereas I propose that here such regulations shall be sanctioned by the Governor General-in-Council.

On the importance of such a provision, I need not say a word. On this Section becoming law, I shall soon be prepared to submit a draft of the requisite Regulations for carrying it into effect, and also to suggest means by which a selection of suitable Books may be made and procured from England and from publishers of School Libraries in the States of Massachusetts and New York, to be submitted to the consideration of the Provincial Board of Education, and then the modes of procuring, at the lowest prices, for any part of Upper Canada, the Books which the Board may sanction for Common School Libraries.

Provision for holding Teachers' Institutes in Upper Canada.

The Fourteenth and last Section proposes to provide for the holding of Teachers' Institutes in the several Districts,—temporary Associations of Teachers, which have long been held in Germany, and which have, during the last three, or four, years, been introduced with great success in the States of New England and New York. At these Associations, daily Lectures are delivered by persons previously appointed, modes of instruction explained and exemplified, and the various means of improving and teaching, discipline, and efficiency of the Schools considered.

I propose the same amount to each District in which one or more of the Institutes may be held, as has been granted by the Legislature of Massachusetts for each Institute in that State. This aid is not authorized unless "reasonable assurance" is given that "a number not less

* This was a tentative measure, with a view to encourage the establishment of School Libraries. In 1850, the Legislature appropriated the annual sum of Twelve Thousand dollars, ($12,000) "for the establishment and support of School Libraries, under such Regulations as may be provided," etcetera. In 1853, the System of Public Libraries was finally brought into operation, and an Educational Depository was established, Seventy five per cent. was added to all remittances sent to the Education Department for Books,—afterwards increased to one hundred per cent. on all such remittances. This Depository continued in existence from 1853 to 1877, when it was closed by Order-in-Council. In the mean time Library and other Books, School Maps and Apparatus to the value of $803,067 were sent out from it to the Schools, at a profit to the Province of $71,054 over and above expenses of all kinds and the cost of management, as per Return made to the Legislature by the Honourable Adam Crooks, Minister of Education, in 1878.

than seventy Teachers of Common Schools will attend." But, in our Rules and Regulations for holding these Institutes, the minimum number of Teachers promising to attend may be fixed at forty, or fifty. The Secretary of the Massachusetts Board of Education says :—

Our law restricts the expenditure of each Institute to the sum of Two Hundred dollars, ($200,). In some cases, where the place of meeting has been remote, and where, in addition to the cost of Teachers, Lecturers, rooms, fuel, attendance, and so forth, I have been obliged to procure some indispensable apparatus, the actual expense has exceeded the amount of appropriation.

The Massachusetts Board of Education, in their Report for 1846, remarks :—

A most beneficial effect has resulted from the enactment of the law of the last political year, providing for the establishment of Teachers' Institutes. The great object aimed at was, of course, the improvement of Teachers in qualification for their work, and all which could have been expected from the instruction of so limited a number of Teachers, for so short a period of time, has been fully accomplished. But they have produced a still more general effect. The assemblage of a large number of Teachers in a single Town, for a period of ten days, their assiduous devotion to the means provided for their improvement in the "Art of Teaching," and in the influence of those friends of popular education who have devoted time and labour to the instruction of the Teachers assembled, have given am important impulse to the people of the respective Towns where the Institutes were held, and made them zealous coadjutors in the work of education.

In some cases the full benefit of the new means of instruction was not realized by those for whose improvement the liberal appropriation was made by the Legislature. This is the first year, during which Teachers' Institutes have been held in Massachusetts, under the patronage of the State; and perhaps it was not to be expected that the community should, all at once, become acquainted with the terms and conditions on which they were established, and with the observances and regulations essential to their highest utility. But all mistakes, arising from the novelty of the institutions, will doubtless be rectified by time and further opportunities for information.

The Secretary of that Board, in his Report for last year observes :—

Teachers' Institutes have now been held in Massachusetts for three successive years; their expenses have been defrayed, the first year, by a gift of One Thousand dollars, ($1,000,) made by a well-known Friend of education; and the last two years, by an appropriation from the State Treasury. They are found to fulfill their promises of utility. They are now held not only in New York and New England, but in all parts of the Country where Common School Education is perceptibly advancing.

I had prepared two more Sections,—the one providing for the payment of School moneys to the District Treasurer, instead of to the District Superintendent, and the other providing for the collecting and paying of District Council School Assessments after the 1st of January, 1850, between the first of January and the first of July of each year, and the payment of the Legislative Grant on the 15th of December, (the order of providing for the two parts of the School Fund observed in the State of New York, and which secures the punctual payment of the School Fund to Teachers, and completeness in the financial report and payments of each year;) but, on consulting the Gentlemen, to whom I have referred at the commencement of this Communication, I have found that some difficulty and dissatisfaction might attend the introduction of such provisions, and I have, therefore, thought it advisable to make a longer trial under the present provisions of the School Law, in order to secure punctuality and efficiency in this vital part of the Educational System.

It is not possible, within any tolerable limits, to explain satisfactorily in writing the reasons and working of the several provisions of a School Bill. Should any further information be required on any of the Sections of the annexed Bill, or on any matter relating to the law or system of Common Schools in Upper Canada, I shall be happy to furnish it.

TORONTO, 14th of October, 1848. EGERTON RYERSON.

[NOTE. The Draft of Bill referred to in the foregoing Communication is included in the final Draft of Bill submitted to the Goverment on the 23rd of February, 1849, which will be given in due order in this Documentary History.]

IV. PROPOSED REDIVISION OF THE PUBLIC SCHOOL GRANT OF $200,000.

From the time that the munificient Common School Grant of £50,000 was made, through the efforts of the Honourable Isaac Buchanan, in 1841, the share coming to Upper Canada was £21,000 and to Lower Canada £29,000. This division was based upon the then comparative census returns of the two Provinces. In 1848, the Chief Superintendent sought to induce the Government to

* For the particulars as to the circumstances which led to the making of this Grant, see pages 159, 160 of the Fourth Volume of this Documentary History.

make a new redivision of the Grant. With that view he wrote the following Letter to the Provincial Secretary :—

I had the honour on the fourteenth instant, to transmit to you, by Allan's Express, a Report on the Common School Law of Upper Canada, together with the Draft of a short School Bill, and explanatory remarks, for its improvement.

I beg now, to submit to the consideration of the Governor General-in-Council, the propriety and necessity of a new division of the Legislative Grant of £50,000 in aid of Common Schools in United Canada. That sum was to be divided between Upper and Lower Canada, according to population ; and it has, down to the present time, been divided between the two sections of the Province, in the ratio of twenty-one to twenty-nine. The Common Schools of Upper Canada, compared to those of Lower Canada, are as thirty to seventeen, and the pupils attending the Common Schools of Upper Canada, compared to those attending the Common Schools in Lower Canada, are as two to one ; and it appears from statistics elaborately and carefully compiled from authentic sources, by the "*Journal de Quebec*" and published in "*La Minerve*" of the Seventeenth of August, that the population of Upper Canada is seven hundred thousand, while that of Lower Canada does not exceed seven hundred and sixty thousand. It is, therefore, perfectly clear, that Upper Canada has not received its due share of the School Grant by several thousand pounds.

I respectfully submit then, to His Excellency-in-Council, that the Legislative School Grant of £50,000 should, until the taking of a new census of United Canada, be divided between Upper and Lower Canada, in the ratio of twenty-four to twenty-six, paying the former £24,000 per annum, and to the latter £26,000 per annum.

Toronto, 14th October, 1848. Egerton Ryerson.

Note. No reply was received to this Letter, so that when the time came round in the next year for making the apportionment of the Legislative Grant for 1849, the Chief Superintendent again addressed the Provincial Secretary in March, 1849, on the subject.

CHAPTER VII.

REPORT OF THE CHIEF SUPERINTENDENT FOR THE YEAR 1848.

The following is a copy of the School Report for Upper Canada for the year 1848. The Chief Superintendent, in his preliminary Letter to the Report, said :—

The General Statistics of this Report have been prepared at the expense of much labour and correspondence, and are more comprehensive and minute than those which were given in the Annual Report of 1847, or than those contained in any other Document, which has been compiled in this Country,—exhibiting the progress of Common Schools, and of higher Seminaries of Learning, as far as I have been able to obtain information, from 1841 to this date.

The varied and important statistics for the years 1847 and 1848, are the result of attention to the Forms and Regulations, which have been prepared under the provisions of the present School Law, and illustrate its operations.

Toronto, 19th of May, 1849. Egerton Ryerson.

To His Excellency, the Right Honourable James, Earl of Elgin and Kincardine, Governor General of Canada.

May it Please Your Excellency : Pursuant to the provisions of the Common School Act, of 1846, I have the honour to transmit to Your Excellency, to be laid before the Legislature, my School Report for the year 1848. . . . As my Report for 1847 has only been recently printed. . . . I have thought it advisable to limit the statistical part of the Report to Municipal Districts,—omitting the mention and separate statistics of individual Townships.

For the same reason, I think it proper to confine my remarks to a few statements and references, having discussed at considerable length in my last year's Report the several subjects involved in the system and progress of Common Schools in Upper Canada.

The Condition of the Common Schools of Upper Canada, 1848.

It is gratifying to observe, that the progress is, in every respect, in advance of that of the preceding year. The improvement is not confined to one department alone, or to a few of the Municipal Districts, but extends to every District, City, and Incorporated Town in Upper Canada, with the single exception of the City of Toronto.

There is, as might be supposed, a great difference in the state of the Schools in the various Districts, and a great difference in their comparative improvement ; but it is an encouraging fact, that there is some improvement in them all ; and, that, that improvement is under the heads which evince most strongly the increasing co-operation and interest of the people at large in the support of the Common Schools of the Country.

The Financial Condition and Resources of the Common Schools, 1848.

In the year 1847, the principal part of the Special Grant of $£1,500 for the establishment of the Provincial Normal School was expended, and was consequently deducted from the Legislative School Grant for the following year ; so that there were £1,259 less apportioned for the support of Common Schools in the various Districts in 1848, than there had been in 1847. Yet, notwithstanding this deduction in the amount available for the salaries of Teachers for 1848, is £8,470 in advance of that for 1847 ;– the total amount available for the salaries of Teachers in 1847 being £77,599. 11s. 4½d. ; while that for 1848, is £86,069. 2s. 3¼d. As there was a reduction of £1,259 in the Legislative Grant apportioned to the several Districts in 1848 as compared with that for 1847, (a reduction which will not occur again,) it follows, that the amount raised by voluntary municipal taxation for the salaries of School Teachers, was £9,728 more in 1848 than in 1847,—while the amount raised by local voluntary taxation in 1847, for the same purpose was £5,490 in advance of that for 1846. Of this increase of £9,728 in the total amount available for salaries of Teachers in 1848 over that of 1847, we have an increase of £2,404 under the head of District Council Assessments, and £7,324, under the head of Rate-Bills—or that which the people in the several School Sections pay in School fees towards the

salaries of Teachers to instruct their children, over and above the amount of the School Fund,—which consists of the Legislative Grant and the District Municipal Council Assessments for the year. The total amount of School Rate-bills was, for 1846, £29.385..12s..3¾d.; for 1847, £30,543..10s..5½d.; for 1848, £37,968..10s..7½d. Thus these returns exhibit, not only, a large increase in the amount of moneys raised for the salaries of Teachers in 1848 over that of any preceding year, but an increase under the heads, which evince the growing general interest of parents in the education of their children.

Attendance of Pupils at the Common Schools of Upper Canada in 1848.

According to the Reports of Local School Superintendents, the whole School population of Upper Canada, in 1843, (that is, of the population, between the ages of five and sixteen years,) was 241,102,—being an increase of 10,127 over that reported for the preceding year. The whole number of pupils reported in attendance at the Schools in 1847, was 124,829; the whole number in attendance during 1848, was 130,738,—an increase of pupils in favour of 1848, of 5,910.

But there is a much greater difference in the average, than in the aggregate attendance of the Pupils at the Schools during these two years. The gross average attendance of Pupils in the summer of 1847 was 84,537; in the summer of 1848, it was 112,000. In the winter of 1847, the gross average attendance of Pupils was 89,991; in the winter of 1848, it was 114,800. These results furnish a gratifying illustration of the gradual and rapidly advancing progress of School instruction amongst the youthful population of Upper Canada: although it is lamentable, to observe, that nearly one-half our School population are not in attendance at School.

It is, however, satisfactory to remark, that, while the average attendance of Pupils at each School was, in the summer of 1847, thirty-one; and in the winter, twenty-three; it was, in the summer of 1848, forty, and in the winter, forty-one.

Number of School Sections and Schools, in the Various Townships in 1848.

In my last Annual Report for 1847, I mentioned the means, which had been employed to prevent the formation of small and inefficient School Sections in the Townships, and to reduce the number of those already formed. It affords me pleasure to be able to remark, that, while the number of School Sections reported for 1847, was three thousand and fifty-five (3,055), the number of School Sections reported for 1848, was two thousand, nine hundred and fifty-three (2,953),—a reduction in number of School Sections of one hundred and two. On the other hand, the number of Schools in operation, as reported in 1847, was two thousand, seven hundred and twenty-seven (2,727), while the number of Schools in operation in 1848 was two thousand, eight hundred (2,800), being an increase of Schools in operation in favour of 1848, of seventy-three.

Average time of Keeping open the Schools in 1847 and 1848.

I have furthermore, pleasure in stating, that while the average time of keeping open the Schools by qualified Teachers throughout Upper Canada, in 1847, was eight and one-half months, it was in 1848 not less than nine months.

It thus appears, that, in respect to the average time of keeping open the Schools by legally qualified Teachers, the average attendance of pupils in both summer and winter, the aggregate attendance of Pupils and the amount of moneys raised by voluntary local taxation for the salaries of Teachers, the year 1848 is manifestly in advance of any preceding year. The same remark may be made in respect to the number and character of the School-houses built during the year 1848, as shown by the accompanying Statistical Table [not inserted]; and also the increasing use of the School Books recommended by the Provincial Board of Education—Those Books being already used in a majority of the Common Schools of Upper Canada, and also in most of the Private Schools.

II. EXTRACTS FROM THE REPORTS OF SCHOOL SUPERINTENDENTS, 1848.*

I herewith subjoin extracts from the Reports of those Local Superintendents of Common Schools who have accompanied their Statistical Returns with general observations on the working of the School Law, and the state and progress of the Schools in their respective Districts.

*I append these extracts from the Reports of Local Superintendents of Schools in the various Districts, so as to place on record in this Documentary History, for the first time, as a connected whole, a general survey of the actual state and condition of education in the rural parts of Upper Canada more than fifty years ago. They will, therefore, be read with interest at the present day

Extract from the Report of Mr. Thomas Higginson, Ottawa District School Superintendent Of the state of Education in this District, I would say, it is very low, especially in new settlements; still there are many Teachers, male and female, of respectable attainments, of correct morals, and persevering industry; and many Pupils possessing a much larger amount of elementary knowledge, than is generally supposed. A feeling is evidently springing up, on the part of parents and guardians, and the community generally, that the education of the rising generation is indispensable; and I believe if the present system would be permitted to continue, that great, important, and happy results would be achieved. That ever vacillating system of legislation with which this Province has been pestered, tends much to paralyze the effects of even the best School Law. Public opinion has no time to mature on any system, until another is advocated. The great corrector of abuses, experience, becomes bewildered amidst continual fluctuations; and the public mind, having no time to fix on what is beneficial, or reject what is erroneous, becomes either bewildered or indifferent.

Report of the Reverend James Padfield, Bathurst District Superintendent. Of the one hundred and twenty-two Teachers employed in the course of the year in this District, only forty received Certificates from the District Superintendent. It is supposed that the rest hold "Visitors' Certificates." The power formerly given to Visitors to grant Certificates was liable to great abuse; and in this District many persons have been authorized to teach by such Certificates, who ought rather to be pupils themselves, than instructors of others.

With respect to the character of the Schools here, they are for the most part of the second class; there are many, however, of the third. Very few only are taught by such Teachers as I should deem entitled to general Certificates. On this subject, however, it appears, that no definite idea can well be formed until a more accurate statement is furnished of the qualifications necessary for the several classes of Teachers."

Ten new School-Houses have been erected, or completed, in the District during the year. In most of these erections a much greater regard has been paid to the fitness of the Buildings for the purpose they are intended to serve, than has heretofore been usual in many parts of this District. There is indeed yet room for improvement; but still every friend of education will rejoice at the increasing interest felt on this subject, which these Buildings exhibit. The parties who projected and carried on the works, deserve great credit for their exertions, and it is to be hoped, they will witness the good effects of their labours in the additional advantages, thus afforded to both Teachers and Scholars.

Report of the Honourable Hamnett Pinhey, Dalhousie District Superintendent. You will find on analization of my Annual Report, that the pecuniary remuneration actually paid by the Trustees and Parents to the several Teachers, has quadrupled the amount of the Parliamentary Grant; and I am assured, that the sums appearing due to the Teachers, on the thirty-first of December last, have in most of the Sections been paid. A very great improvement is visible as regards the efficiency of the Teachers, the acquirements of the Pupils and scholastic discipline; the Schools are better furnished, and the children improved in appearance, dress and address.

Report of Mr. John Strachan, Midland District Superintendent:—It gives me pleasure to state, that the Schools in general in the Midland District are very much improved from what they formerly were, and some of them are in a most flourishing condition, though too many are inferior.

I fondly hope, that the Normal and Model Schools will have a most salutary effect, and be productive of the best consequences, by means of raising the standard of Education in the Common Schools, and qualifying young men to become teachers of youth.

Report of Mr. William Hutton, Victoria District Superintendent. We have only one of the Normal School Pupils yet in our District; and, though in a very remote part of the County, I am happy to say, that he has a very large and good School, and gives very great satisfaction. A few more of them would infuse a spirit amongst us which we much require.

Report of Mr. Benjamin Hayter, Newcastle District Superintendent:—It will be seen, that very nearly all the Schools in this District, have been open at least six months in the year, and very many of them have been open twelve months, independent of those which are always yearly Schools. A lively interest is growing daily, in favour of Common School instruction, though there is doubtless still too much apathy, and some slight opposition in certain quarters to the fair trial of the School Act; but it will be seen, that there is an increase in the averages considerably under all the principal headings of the Report, which will test satisfactorily the relative bearings of the operations of the Act with reference to past years.

Report of Mr. Henry A. Clifford, Simcoe District Superintendent:—The School-Houses in this District, with only two exceptions, are log Buildings, and only a few of them are provided with suitable seats and desks; some of the older ones are fast going to decay, and wherever they have been replaced by new ones, greater attention has been paid to furnishing them, with proper conveniences; no ventilating apparatus has been introduced in any of them, neither do any of them contain more than one room.

I am happy to say, that the Irish National School Books have been very generally introduced into this District, during the past year. It is true, that this remark refers only to the First, Second, and Third Reading Books, and, in a few instances, to the Fourth; but I consider, that by their introduction, we have made one grand step towards general improvement, for I find, that amongst the Teachers who use them but one opinion of their merit prevails, videlicet, that the progress and improvement now made are much more rapid and substantial, than before their introduction. Until the last two years, the "English Reader" and the Scriptures, very frequently only the latter, were the only Reading Books to be found in many of the Schools; and though I am glad to say, that the Scriptures have in no instance been discarded, still the indiscriminate use of them has in a great measure ceased, and Books designed for progressive School Readers now assist them in storing the children's minds with useful information.

With regard to the sentiments of the people on the subject of Education, I have to remark, that, of course, they are very various, though I believe, that upon the whole a better feeling exists, and more cordiality and unanimity begin to be exhibited towards the Schools. At first, almost all classes strongly objected to any direct tax upon them for promoting the objects of general education; but the novelty of such a tax has now worn off, and the improbability of its being abolished having become apparent to all, less dissatisfaction and less opposition are now offered to its collection.

Report of Mr. Patrick Thornton, Gore District Superintendent:—I am happy to have it in my power to state, that the Schools in this District generally have made considerable advances during the year. Perhaps the improvement in 1848 has equalled that of any former year since the appointment of District Superintendents. There is one thing deserves to be particularly noticed,—there is a much better educational spirit generally prevailing than in 1847.

Report of Mr. Dexter D'Everardo, Niagara District Superintendent:—In connexion with the accompanying Report, I have the honour to state that, during my visits among the Schools of this District, the past year, I found a very marked improvement in the qualifications of the Teachers, a material increase in the numbers in attendance and in apparatus and School requisites, and a higher and more healthy tone of feeling among the people generally, with reference to Education, than I have found in any previous year.

It is true, that there are many localities, where a surprising indifference, with regard to their Schools, still prevails, attended by a penny-wise policy, and the usual accompaniments: a poor Teacher, very few and unsuitable Text Books, an absence of almost every convenience and facility for communicating instructions to pupils with advantage, and a six months' School. But, on the other hand, a great number of rural School Sections have shaken off the lethargy of former times; have come to understand their real educational interests; have determined to employ Teachers of the highest order of attainments; to pay them suitable salaries; to supply the Pupils with appropriate and uniform Text Books; to furnish the School-House with all necessary School requisites; to keep their Schools permanently open; and to place their Teachers in that respectable position in society which their merits, and the importance of their vocation, demand. It gives me pleasure to add, that this latter class of neighbourhoods is decidedly on the increase. In such localities the Schools are frequently visited by Trustees, Parents, and School Visitors; the quarterly examinations are looked forward to, with much interest and with high expectations by all the parties concerned; are numerously attended, and are productive of a great amount of good.

It is scarcely necessary to remark, that, in such places, School difficulties and complaints against the School Laws are rarely heard of.

Among the Teachers exhibiting the greatest improvement, not only in literary acquirements, but in their system of teaching, and whose labours are distinguished for the greatest amount of usefulness, are those who have enjoyed a course of training in the Provincial Normal School, an Institution which, if duly appreciated, and, if properly sustained, is destined to render an incalculable service to our Country.

Two years have now elapsed since the existing School Law of 1846 came into full operation; the party prejudices with which it was at first received, have gradually worn away, and the people have thereby been enabled to judge dispassionately of its various enactments.

The general provisions are, at this time, tolerably well understood; their practicable adaptation to the wants of the Country, very generally admitted; and the feeling of dissatisfaction, which prevailed with reference to them in 1846 and the early part of 1847, has given place to a general desire, that they may, in their leading and organic features, remain unaltered.

That the School Act is not only practicable but popular with a large majority of the inhabitants of the Niagara District, the statistics in the accompanying Report, compiled from the official returns of School Trustees, amply prove. By referring to that document, it will be seen, that upwards of ten thirteenths of all our children of School age have been enjoying instruction in the Public Schools the past year; that the increase in attendance at those Schools over the previous year, was more than fifteen per centum, and, over 1846, more than thirty-three per centum; and that the increase in the aggregate number of months, the Schools were kept open, over 1847, was nine per centum, and over

1846, upwards of nineteen per centum. while the increase in the averages and in the Apparatus and School Requisites was even in a greater ratio, as compared with the periods before named,—these improvements taking place, too, without any perceptible augmentation of the total number of children in the District.

III. SOME AMENDMENTS IN THE SCHOOL ACT OF A PRACTICAL KIND DESIRABLE.

Although public sentiment here seems adverse to much farther legislation upon the subject at present, still, I am inclined to think, that some modifications of the Statutes referred to, not interfering with their essential principles, are expected ; and that such modifications might be introduced, and some additional enactments be made, which would tend to increase the efficiency of the whole School System. The number of properly qualified Teachers is not, nor is it likely to be, for some time to come, proportioned to the want of the community in that respect.

It is believed by many, that the repeal of that clause of the School Act of 1846, Ninth Victoria, Chapter Twenty, prohibiting the granting of Licenses to Alien Teachers, would, under existing circumstances, afford considerable relief, and prove highly advantageous to us, without prejudicing the interests of any one ; in which opinion, I fully concur.

The conferring upon School Trustees the power to raise by tax, from the ratable property of their Section, (presuming that an equitable system of assessment will be established, a sum sufficient, exclusive of the ordinary apportionment from the School Fund, to pay the Teacher's salary, would be a practically useful and popular amendment. It is not suggested, that the powers at present possessed by the different Municipal Councils be transferred to Trustees, or, in any respects, altered, but that Trustees may have the option of levying the tax themselves, or of applying to the Council for it to be done, according as the peculiar circumstances of the respective localities may render it expedient.

A few Dissentients in the District to the Free School Principle

In justice to all parties, I feel bound to state, that the Free School System, whether to be applied by School Trustees, or District Councils, is not approved by every person in the Niagara District ; yet the avowed opponents of the principle constitute decidedly the smallest portion of the rate-paying community, and are composed of individuals who, with a few exceptions, have no children to educate, or who do not choose to have their children attend the Public Schools, or who have not bestowed much thought upon the subject, and of the persons under their respective influences.

On the other hand, the question, being a new one in this Country, the advocates of that system are not altogether agreed as to the extent to which the principle should be applied. One portion is in favour of compelling all those, who have children, (and no others,) to pay an assessment towards the salary of the Teacher, a sum proportioned to the number of their children, whether they send them to school or not ; another portion is willing to fix a moderate rate, say from 2s. 5d. to 5s. per quarter, to be paid by each pupil, the balance of the salary, to be raised by tax, upon the ratable property of the Section ; and another portion, which is by far the largest portion of the whole, and comprises a considerable majority of the Free holders and Householders of the District, believes that the principle is just, and that, if it be applied at all, it should be applied to its fullest extent,—that the property of the Section should educate the children of the Section, without respect to Country, colour, or condition, in life.

I think, that I give the views of at least five-sixths of those best informed upon the subject, and most competent to judge, when I state, that they believe the Rate-Bill system on parents both "unsound in theory and unprofitable in practice,"—that the natural effect of it is to keep children out of School, while the effect of the "Free School System" is to bring them into the Schools.

The correctness of these views is amply proved by reference to the Trustees' Reports for 1847 and 1848, for the five School Sections in this District, in which the Rate-Bill system prevailed, during the first named, and the Free School system, during the last named year.

The aggregate population of School age, in the five Sections, in 1847, was nine hundred and fifty-three ; the aggregate attendance during the same period, was five hundred and twenty-seven ; in 1848, the population was nine hundred and ninety-four, and the attendance nine hundred and sixty-nine ; showing a gain in favour of the latter system of four hundred and forty-two, or nearly ninety per centum !

The Establishment of School Libraries very desirable.

There are many parts of the District where the Schools have attained to a high degree of efficiency, and where a thirst for reading has been created in the minds of the youth of both sexes, that the small Libraries of private families in the country parts are not able to satisfy.

To meet the wants of the community in this particular, some provisions for the establishment and support of School Section Libraries would be favourably regarded and at once carried into effect.*

The fruitfulness of the press of our enterprising neighbours in producing those corrupting works of fiction designated "Yellow Coloured Literature," and the extremely low price at which they are sold, make them easily available to all; while from the peculiar style in which they are written, the tendency to read them, on the part of young persons, is fully proportioned to the facilities for obtaining them.

These circumstances, if there were no other reasons, should, I humbly conceive, stimulate us to early action on the subject, and to place within the reach of the youth of our land, as soon as practicable, an ample supply of useful and instructive books.

Teachers' Institutes are most Helpful and Useful to the Teacher.

I am of opinion, that Teachers' Institutes, formed under sanction of legislative authority and encouraged by legislative aid, would prove valuable auxiliaries to our School System. In those Countries, where they exist, much importance is attached to them.

They afford excellent opportunities to Teachers for obtaining information as to improved methods of teaching; for becoming personally acquainted; and for conferring with each other upon the various matters relating to their vocation; for assimilating their views and practice, and for appearing before the public under favourable circumstances as a distinct profession.

The Grammar Schools Might be Made More Useful, if Popularized.

It may perhaps be thought out of place for me to make any remarks, touching the District Grammar Schools.

I would nevertheless beg leave to state, that I have long since been led to believe, that those institutions, absorbing as they do annually a considerable sum of public money, and as a general rule benefitting those only who reside in their immediate neighbourhoods, might with advantage be placed under more popular control by associating them with the District Model Schools.

Both, it appears to me, would be strengthened by a union of means and interests. The management being then brought more immediately into the hands of the people, and the Schools being open to Teachers, they would become more extensively known, their advantages would be more generally participated in, and their influence and usefulness would be more widely felt.

Report of the Reverend William Clarke, Talbot District Superintendent. During the past year, there have been ninety Schools in operation, which, with some few exceptions, I have personally visited and examined; and I am pleased to report, that there has been an advance on the previous year, both in the time during which they have been kept open, and also in the amount and diversity of instruction communicated; several branches of study having been introduced into many Schools, which were untaught before. Still, in some School Sections, the cause has rather retrograded, than otherwise, which may be attributed to the following reasons:—

1.—Local differences and prejudices.

2.—The deficiency and variety of School Text Books.

3—The parsimony of the people, and,

4.—The scarcity of well qualified and accredited Teachers.

The latter will at once be apparent, when I inform you, that in this District, there are not more than sixteen Teachers of the first class, and twenty-four of the second; while there are between fifty and sixty of the third, or least qualified class.

In such a state of things, it will at once be perceived, that there must, of necessity, be some School Sections suffering all the consequences arising from insufficient teaching. It is, however, important to observe, that there is an addition of six first class teachers, as compared with the previous year; and in those Sections where there is cordial co-operation and a remunerating salary, Teachers of the first class are readily obtained; but where there is known antagonism, and "poor pay," such Teachers are, of course, unwilling to engage their Services with Trustees.

This may show, that unreasonable expectations, or hasty animadversions, should not be indulged in. Some of the third-class Teachers received Certificates from School Visitors, any two of whom were authorized to give them. In some cases the employment of an inefficient Teacher is to be attributed to the Trustees themselves, who are anxious to keep the School open, the prescribed time, but at the

* See Note on the Subject of School Libraries on page 92 of this Volume.

lowest price ; while, not unfrequently, the School Superintendent has to decide whether there shall be a modicum of instruction, or none at all ; whether there shall be half a loaf, or "no bread." Only let correct principles be diffused,—let the importance of Education be pressed home upon the public mind, and then we may patiently but confidently, hope, that, as first class Teachers are multiplied and settled among us, through the medium of that valuable Institution, the Provincial Normal School, the character of our Schools will be gradually improved, and the best modes of imparting instruction will generally, if not universally, prevail.

IV. SUGGESTED AMENDMENTS TO THE SCHOOL LAW BY SCHOOL SUPERINTENDENTS.

Perhaps you will allow me to say, from personal observation and extensive intercourse, that there is a very general satisfaction with the leading provisions of the present School law of 1846 ; while, at the same time, there is an almost unanimous desire for some alterations and amendments.

The most active and energetic promoters of Education, are very desirous that the present Rate-Bill should be abolished, and that the additional amount of the Teachers' salary should be raised, either by an uniform Rate-Bill upon all the children, whether in attendance at School, or not ; or, that the whole amount for School purposes should be raised by the assessment of property, which should not only be taxed for the protection of all, but for the education of all. I have seldom met with an intelligent Trustee who has not uniformly condemned the present Rate-Bill mode, and who has expressed a desire, that it might be superseded by a more excellent one. Then, it is also desirable, that the power of Trustees should be somewhat enlarged. Great care, however, should be taken, that all moneys coming into their hands may be faithfully applied, and duly accounted for. I would further suggest the propriety of a more equitable distribution of the School money. The present system provides, that each Section shall receive a sum in proportion to the number of children residing within its bounds, without any reference to the number in attendance, or the length of time the School may be kept open. I might point out two Sections, where the number of children is equal, and of course the amount is equal also ; but in one of these Sections, the children attend School all the year round, while in the other only one-half attend, and that for only six months in the year.

Report of the Reverend W. H. Landon, Brock District Superintendent :—The effect of our present School System, (though in several respects imperfect), has doubtless been to double the number of Schools, while the pupils in attendance, and the amount of instruction given, have been augmented in a much greater proportion. An increasing disposition is manifested on the part of the people, to employ a higher class of Teachers, and to give them reasonable salaries ; and by means of the Provincial Normal School, such Teachers are being multiplied, and shortly, it is reasonable to expect, the influence and value of right instruction, on right principles, will be extensively perceived throughout the country.

A few Practical improvements in the School Law of 1846 Suggested.

Having taken much pains to ascertain what the views of the people are on the subject, I venture to assert, that the School Law is not unpopular ; but, on the contrary, the people almost unanimously regard it as the greatest boon ever bestowed by the Legislature, upon the people of this Country. They are, however, equally unanimous in the opinion, that it is susceptible of several improvements, and that some amendments are absolutely necessary. I trust you will not think me exceeding the duties of my office, if I proceed to point out briefly, some of the required amendments, which the almost unanimous voice of public opinion seems most loudly to call for.

The part of the Act, which most loudly calls for amendment, is that which provides for raising a part of the Teacher's Salary, by a Rate-Bill on parents, I do not recollect of having met with so much as one intelligent School Trustee in the District, who, if he expressed an opinion at all, did not condemn the present system, and pronounce it unsuited to the wants of the Country. On this subject, I think I hazard nothing in asserting, that all, who are capable of forming an opinion, are unanimous. With respect to what ought to be substituted in place of the present Rate-Bill, the opinions appear to be somewhat divided. Some would prefer an uniform Rate-Bill upon all the children residing in School Sections, (reserving the power of the Trustee, to excuse any for good reasons,) whether in attendance, or not. Others, and I believe they include among them, our most enlightened and virtuous citizens, hold that the property of the Country ought to be held responsible for the education of all, no less than for the protection of all. My own opinion is, that an amendment of that part of the Act, based upon either of these principles, would be a most valuable improvement of the present System.

Another amendment, that seems to be called for, regards the power which ought to be entrusted to the Boards of Trustees. These ought to be considerably extended. They ought to be empowered by Law, to decide, in all cases, whether it were necessary to levy an assessment upon their own School Section respectively, and to what amount ; whether for building, or repairing, School-Houses, for purchasing School Text Books and Apparatus, or for paying Teachers.

Lastly, I beg to submit, whether it would not be desirable to provide for the more equitable distribution of the School Fund. At present, each School Section receives an amount in proportion to the number of children, residing within its bounds, whether these children attend the School or not; and also without reference to the length of time the School is kept open; so that two School Sections in which the number of children is equal, the amount they will receive from the School Fund, will be equal, though in one, all the children may attend the School, the year round, and in the other, only one-half or one-third may attend for six months only. A juster principle, it seems to me, would be one, which should offer aid to parties, from the public Fund, in proportion to the amount of local effort put forth by themselves, giving encouragement to children who actually attend the School, and withholding it from all who do not.

Report of Mr. Alexander Allen, Wellington District Superintendent:—In those parts of the District, which are well settled, the Schools are generally in a satisfactory and improving state. In thinly settled parts, the Schools are not in so thriving circumstances. The least advanced Schools, are generally the German; and it is not an easy matter to procure qualified Teachers in that language. There are only two among them, who have been educated under any improved system of education. In general, they are not qualified by previous education, or by a knowledge of the English language to attend the Normal School.

Report of Mr. George Duck, Junior, Western District Superintendent:—The Reports of the Trustees, for 1848, will be found to contrast favourably with those of the year previous; and I should not doubt, under this system, that an annual improvement would be witnessed; but, while none deny that the present School System has scarcely had a fair trial, many of the inhabitants of this District are most clamorous for its alteration, and in that event taking place, in addition to only the probability of improvement, it would necessarily occasion incomplete Reports, until some experience in its details, had been obtained by the parties interested.

One of the most important offices under the present Act, and which is frequently the most neglected by the parties themselves most interested, is that of the Trustees; they are generally appointed by a very small proportion of the inhabitants of a School Section, who attend the Annual School meeting for this purpose; and the unfortunate incumbents of these offices have frequently to deal with the prejudices of those who do not feel sufficient interest in the affairs of the School as to attend the meeting at which the Trustees are appointed, and who are generally most ready to cast reproach on the Trustees for any ill-success which may attend the School. I offer these remarks, being convinced that much of the blame, which attends the working of the present School system, arises in a great measure from the apathy of those on whom it is intended to act; and we should not be too anxious for an alteration of the present system, expecting, that all these evils will thereby be remedied before we have well considered in what manner a change could be made for the better.

That part of the present Act, making it compulsory on the inhabitants to keep a School open six months in a Section, to entitle it to draw its proportion of the School Fund, is an excellent improvement on the previous law; and if the present system should be changed, I should suggest this compulsory principle could be further extended, and that, at the same time greater power could be advantageously vested in the Trustees to make provision for the Teacher's salary; but I sincerely trust the principle of "Free Schools" will become popular in the Province; and were these institutions established, I am confident many of the obnoxious portions of the Trustees' duties would be removed.

Although much remains to be done, yet I trust I can, with reason, congratulate the District, on a slightly increasing interest in School affairs, in some measure evinced by the parents themselves, and, above all, in their capacities as Trustees. . . To some of last year's Reports there were many useful remarks appended, and I sincerely trust that succeeding years may witness an improvement progressing in a greater ratio, as it is only the want of more interest in its operations, that is likely to clog the working of any system of Public Instruction.

The Irish National Series of School Books are becoming very popular in this District: I think they will increase in favour, and gradually supply the place of the older books as soon as new copies are required. The most intelligent Teachers in this District generally concur in a favourable opinion of them; and they all are alive to the advantage of having an uniform system in this respect, instead of the old method of providing the children with such books as multiplied difficulties in the way of the Teacher, and defied all attempts at classification.

Report of Mr. Frederic Suter, Hamilton City Superintendent:—The general attendance, has been such as could not have been anticipated in this progressive age. Out of a large number of children of School age, within the City limits, one-half is found under the head of "not attending school." In the School census, one thousand, three hundred and nineteen (1,319), are returned in that document, apparently let loose on Society, without the benefit of education, freed from all restraint, and allowed to "run riot," at a period too of life, when the love of order and regularity should be particularly inculcated, the value of time explained and enjoined, and obedience, the prime law, enforced by every parent and guardian.

There is, however, one redeeming feature in this community of the most consoling description. There are "several Sunday Schools numerously attended," as stated in my Report. It is cheering to know, that many children, who do not, or cannot, attend during the week, make their regular appearance at these places of instruction. Thus, the "root of all knowledge" will be early implanted in their young and impressible hearts; and though it is impossible to ascertain at present, yet it is pleasing to speculate how wide the branches may spread of each tender plant, so cultivated, nourished by the dews of heaven, and strengthened by the power of the Infallible Teacher, till at last they bear an abundant harvest of good fruits, acceptable to our Great Master.

The Teachers employed here, in Common Schools are, in the aggregate, of a superior class to those holding the same situations even three years ago. Whatever may be wanting in their mode of conveying instruction at present, (regarding which, however, I beg to be understood, I am well satisfied,) it is hoped, will be shortly supplied by the dissemination of the improvements imparted through the modern system of Normal teaching; but unless that system, (it is respectfully remarked), convey quick perception of each pupil's character, and impose self-command on the Teacher, combined with a knowledge of the science of teaching, inculcated during the term of training, it will have but in part accomplished the great benefits anticipated.

I beg leave most respectfully to claim your attention to certain remarks, explanatory of my sentiments on this subject, which I take the liberty to quote from Mr. Sheriff Moodie's Treatise on "Memory":—

"Unfortunately, there are vast numbers of dull Teachers, who do not observe, or understand, certain mental peculiarities. Every boy, who has a good natural memory, and can learn his lessons mechanically, is considered by one of these Teachers, as a clever, promising boy. The boy, on the other hand, who must understand before he can remember, (for every hard gained acquisition of science, is a kind of annealing upon the mind,) gives the dull mechanical Teacher a great deal of trouble, because he demands explanations and illustrations, which the unfortunate Master is incapable of giving him. The ideas, or facts, have been chalked on his empty mind, and he can only exhibit the board to the pupil."

What are the sensible deductions drawn from the above? We need not, therefore, wonder, that so many of those boys, who are considered clever at school, turn out dull matter-of-fact men; once on the great sea of the world, the man who thinks, quickly shoots a-head of the man, who merely learns and remembers.

The foregoing clearly and exactly indicates the rock against which it is a positive duty to warn every instructor of youth; and I trust, therefore, that it will not be deemed impertinent to reiterate the hope, that the Normal School System will furnish the desideratum so requisite; that its benefits will be spread over the length and breadth of Canada, and destroy for ever the occupation of the "mechanical Teacher,"—more especially that modern pest, imported from the neighbouring Republic, the self-styled "*par excellence*," "Select School Teacher."

V.—THE PROVINCIAL NORMAL AND MODEL SCHOOLS.

In my last annual Report, I explained at large the system of management and instruction adopted in this most important department of Common School Education. The Model School is limited to one hundred and fifty pupils; and there are, as I write this Report, no less than two hundred and seventy applications on the books, which we are not able to entertain; but arrangements will be soon made to accomodate three hundred pupils in the Model School—which will add much to the facilities of Normal School Students, in the practice of teaching.

The number of Students in the Normal School, during the last two Sessions of five months each, has exceeded one hundred. The last semi-annual examination of both the Normal and Model School afforded unqualified satisfaction to the numerous visitors present. Upwards of two hundred and fifty Teachers (seven-eighths of whom had previously taught School), have thus far received instruction in the Normal School; and the accounts received of their success as Teachers, since they left the Normal School, is, with very few exceptions, most gratifying, in respect both to the Salaries, which they receive, and the satisfaction which they give.

How the Operations of the School Law are Facilitated.

The most serious obstacle to the successful operations of any law which incorporates the great body of the people, in its actual administration, is the want of information. No man can administer a School Law, or appreciate a School System which he does not understand; the proper understanding of that involves considerable information; and that information must be possessed by all the administrators of the law, who, in our Common School System, embrace, at least, all the Municipal Councillors, School Superintendents, Trustees, Visitors and Teachers.

Deeply impressed with the utter hopelessness of any considerable improvement in our Schools, without a wider diffusion of information on educational subjects and interests, and conscious of the inadequacy of the ordinary means to diffuse that information, I determined to incur the responsibility and labour of publishing a monthly *Journal of Education*. This periodical was commenced at the beginning of the year, 1848; and, although the amount of subscriptions received was insufficient to defray the mechanical expenses of its publication, I have had abundant testimonies and proof of its usefulness. With a view to the wider circulation and more extensive usefulness of this monthly journal, I addressed, in October, a Circular to the Heads of the several Municipal Councils in Upper Canada, proposing to furnish a Copy of it to each of the Trustee Corporations, within their respective jurisdictions, on conditions which could easily be complied with. Several Councils responded to the proposition submitted to them, and a copy of the *Journal of Education*, for the year 1849, is thus furnished to each Common School Corporation, in the Bathurst, Johnstown, Midland, Prince Edward, and Niagara Districts. Several other Municipal Councils have ordered a copy for each of their own members, or for each Township which they represent. I dare say, future years will witness the advantages conferred upon those Districts, each of whose School Corporations has been furnished with an Educational Journal.

In the course of the year, I prepared Blank School Reports for both Local Superintendents and Trustees, and transmitted them to the several Districts of Upper Canada; and, in order to secure proper and judicious attention to filling them up in all their details, I addressed a Circular to District Superintendents, dated the fifteenth of December, 1848.* The advantage of this course of proceeding, during the two past years, is evinced by the comprehensiveness and fulness of the subjoined Statistical Tables.

VI.—DESIRABILITY OF PERIODICAL VISITS BY THE CHIEF SUPERINTENDENT.

It was my intention and wish to have made an official visit to the several Districts of Upper Canada, as I had done during the year 1847; but the uncertain state of the School Law, and of the School System itself, together with the want of the necessary legal provisions for the establishment of Common School Libraries, seemed to render such a tour quite unadvisable. But, as I have frequently stated in official Communications, I think such a visit made periodically to the several Districts of Upper Canada by the Chief Superintendent of Schools, would be advantageous to the progress of the School system, and that the proper arrangements should be made for it.

The law requires me to make such statements and suggestions for the improvement of the School system as I may deem useful and expedient; but, as I submitted on the fourteenth of October last, for the consideration of Your Excellency in Council, observations on the School Law, and draft of a short Bill to remedy its defects and to provide for the establishment of Common School Libraries,—the Draft of Bill containing the results of two years' experience and conversations with practical men connected with Common Schools in the several Districts of Upper Canada . . . I think, that any further observations in this Report on the School Law, or the School system generally, are quite unnecessary.†

VII.—THE FREE SCHOOL QUESTION DISCUSSED IN AN ADDRESS BY THE CHIEF SUPERINTENDENT.

The subject of Free Schools,—or Schools supported by all, according to property, and to which the children of all have free access,—has attracted considerable attention in some parts of Upper Canada; and Schools have been supported upon this principle in several rural School Sections of some Districts. This system is peculiarly adapted to rural School divisions, where all the inhabitants are interested in the Common Schools; and, wherever it has been adopted, either in town, or country, an increased efficiency of the Schools and a greatly increased attendance of Pupils have been the result. The only Town in Upper Canada that has carried out this system thoroughly, during the year 1848, is the Town of Niagara; and such has been the increase of Pupils in the Schools, that their number exceeds that of the whole School population of the Town; that is, the number of children over five and under sixteen years of age, and from beyond the limits of the Town, attending the Schools, is greater than the number between those ages residing in the Town itself not attending the Schools. The effects of this system in rural School Sections may be learned by referring to the remarks of the Superintendent of Common

* This Circular will be found on pages 56-58 of this Volume.

† See pages 82-93 of this Volume.

Schools for the District of Niagara, quoted in a former part of this Report.* I may say, that this system, which has long prevailed in the New England States of America, has recently been established in some of the Western States, and has, during the last two months, been established by law throughout the great neighbouring State of New York. With the view of correcting the erroneous impressions which exist in the minds of many in regard to the nature and objects of Free Schools, and to bring the great question involved in their establishment before the Canadian Public, I have prepared an Address, on the subject. (Note—This Address will be inserted in this History in due course.)

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CONCLUDING REMARKS OF THE CHIEF SUPERINTENDENT, 1848.

NOTE.—Only the more important of the voluminous Statistical Tables and Documents, connected with this Report are inserted in this Volume.

VIII.—STATISTICAL TABLES APPENDED TO THE SCHOOL REPORT OF 1848.

The various returns furnished in the Tables of the Statistical Report . . . sufficiently illustrate the general, and, I may add, unparalleled success of our Common School system, as I have remarked at length in my last Annual Report, in comparing the progress of Common Schools in Upper Canada and in the State of New York.† These statistics evince that practical and general exertion, rather than theoretical and up-rooting legislation, is required to place the Common Schools and Common School system of Upper Canada upon a level with those of the oldest States of America. Let solid and varied information on the nature, importance and means of universal education be widely and constantly diffused; let public attention be directed to common interests rather than party interests,—to unity rather than division,—to the practical rather than the speculative,—to the future rather than to the past,—to the moral and intellectual foundations and progress of society, the elements of its happiness and greatness, and we shall happily witness, at no distant day, the spirit of patriotism superseding the spirit of selfishness, and an entire people growing up in the principles of virtue and knowledge, the love of country and order, the spirit of enterprize and philanthropy.

TORONTO, 19th May, 1849. EGERTON RYERSON.

* See page 67 of this Volume.

† Inserted on pages 149-187 of the Seventh Volume of this Documentary History.

STATISTICAL TABLE No. 1 APPENDED TO THE

Exhibiting the Results of the Operations of

The Districts in Upper Canada.	Schools in operation during the years			Assessments imposed by Municipal Authority for Common School Purposes during the years									Rate Bills the pay-aries		
	1846	1847	1848	1846			1847			1848			1846		
	No	No	No	£	S	D	£	S	D	£	S	D	£	S	D
Eastern	186	178	165	1448	14	8¼	1276	13	3	1112	11	11	1650	12	3¾
Ottawa	45	37	43	432	10	8⅛	291	7	1	450	19	10¼	195	8	5
Johnstown	226	198	205	1571	5	4	1600	0	0	1673	12	11	1520	11	3¾
Bathurst	98	120	120	1099	1	4	1034	18	10½	1040	3	0½	848	15	2½
Dalhousie	101	61	76	0	0	0*	580	5	2	0	0	0*	2261	10	0
Midland	176	175	182	1261	11	9	1416	12	8	1476	10	5	1126	1	1
Prince Edward	101	98	97	607	8	10½	550	7	2¾	829	19	3⅛	1128	12	5½
Victoria	94	103	113	623	17	7	672	11	5½	760	13	8½	491	9	7
Newcastle	169	171	193	1694	17	0	1484	9	9¾	1376	4	8½	2536	1	6
Home	289	316	316	3377	11	11½	3219	6	8	2961	3	6	4889	0	5¼
Simcoe	77	83	90	660	10	2¾	630	5	0	717	11	2	733	14	2¼
Gore	186	200	191	1935	16	6	1937	16	6	1899	17	7	3730	5	5¾
Colborne	61	73	87	660	19	11	660	19	11	769	11	4	184	13	1
Niagara	179	183	184	1580	17	6½	2009	0	0	2191	19	9	2177	15	0
Talbot	93	109	91	793	6	2¾	823	13	10	892	7	7	566	8	5½
Brock	145	148	136	864	15	10½	858	14	3½	794	8	5	1299	18	1¾
Wellington	93	104	105	1040	0	0	864	10	3	1317	0	0	1052	6	2¼
London	193	195	206	1555	4	8¼	1553	16	2½	1635	10	10	2329	18	8½
Huron	38	41	53	236	3	7¼	571	4	7¼	723	2	7½	352	3	3
Western	57	134	149	1270	15	1¾	998	9	10¼	1031	16	0	524	7	5¾
Grand Total	2589	2727	2800	22715	8	11½	22955	2	8	23654	4	7¾	29385	12	3¾

No. of Schools in operation during 1846 ..2,589 | No. of pupils in 1846 101,912
No. of Schools in operation during 1847 ..2,727 | No. of pupils in 1847 124,829
No. of Schools in operation during 1848 ..2,800 | No. of pupils in 1858 130,739

* Included in Rate Bill column. † An appropriation ; no report

REPORT OF THE CHIEF SUPERINTENDENT FOR 1848,

the School Law of Upper Canada for 1846.

imposed by Trustees for ment of Teachers' sal- during the years						Gross Amount available for the Salaries of Common School Teachers in Upper Canada for the years									Number of pupils attending the Common Schools of Upper Canada during the years		
1847			1848			1846			1847			1848			1846	1847	1848
£	S	D	£	S	D	£	S	D	£	S	D	£	S	D	No	No	No
2036	3	2½	1656	14	3½	4086	9	1½	4444	17	9¼	4685	3	8	6507	7332	6772
466	13	1¼	479	9	6	862	19	10¼	1016	0	7¼	1223	11	1	1498	1537	1585
2169	3	0	2216	4	7	4505	11	7	5152	7	4	5362	8	4½	7867	8869	9400
1509	1	6½	2671	19	3	2507	6	3	2721	1	9	4452	2	3¾	3818	4662	4928
635	18	6	1857	17	8†	2818	9	9	2187	8	5	1716	7	7†	1824	3968	3519†
1763	13	9	1747	13	10	3747	8	7	4514	8	10	4759	2	5	6956	7862	7534
1320	3	1	936	0	0½	2336	18	7	1994	15	3¾	2366	17	3½	4087	4117	4550
931	6	0½	923	11	0	1267	2	4	2324	19	4	2788	0	8	3198	4128	4689
3124	13	8½	3515	19	9½	5137	0	3¼	6005	1	4	6452	0	6	6880	8176	9227
5321	14	4½	4757	11	7½	10890	17	4	11579	9	4½	11034	3	9	13781	15662	16190
1004	15	6½	1172	3	2	1801	4	11¾	2216	14	11¾	2758	0	5	2920	3827	4035
3982	17	9	4438	9	7¼	7099	9	1¼	7401	18	4½	8179	18	8½	8610	9956	10842
683	15	11½	500	10	6‡	877	19	9¾	1306	14	5	1734	6	1	2237	3497	2995‡
2785	15	10¾	2705	10	11¼	4875	19	10½	6037	14	0	6537	3	9¼	7563	8960	10449
974	5	9	877	5	7	2029	5	6¾	2448	10	3½	2592	16	2	3445	4079	4533
1677	16	1½	1849	5	11	2878	3	4¾	3298	11	11¼	3589	11	10	4589	5645	5875
1625	18	2½	1605	4	3½	3073	6	6¼	2983	11	5	3501	10	4½	4656	5646	6047
1798	2	9	2620	2	7	5117	7	0¼	4955	12	2½	5797	3	9	8224	9459	9371
441	19	1½	412	15	3½	810	8	4¼	1298	10	6¼	1752	12	7¼	1498	1986	2535
1659	10	3	1561	11	9	1183	10	9¾	3711	3	1¾	4199	4	3	1754	5461	5663
35913	7	7¾	37968	10	7½	67906	19	1¾	77599	11	4½	86069	2	3¼	101912	124829	130739

Gross Amount available for Teachers' Salaries in U. C. for 1846 .....£67,906 19 1¾
Gross Amount available for Teachers' Salaries in U. C. for 1847 .....£77,599 11 4¼
Gross Amount available for Teachers' Salaries in U. C. for 1848 .....£86,069 2 3¼

having been received from Bytown for 1848. ‡ Defective report.

STATISTICAL TABLE No. 2 APPENDED TO THE

Exhibiting the results of the operations of the

The Districts in Upper Canada.	School Visits in 1847.						Schools in 1847-48.		School Visits in 1848.					
	By Superintendents of Common Schools.	By Clergymen.	By Councillors.	By Magistrates.	Other Visits.	Total Visits.	No. of Schools in operation in 1847.	No. of Schools in operation in 1848.	By Superintendents of Common Schools.	By Clergymen.	By Councillors.	By Magistrates.	Other Visits.	Total Visits.
Eastern	195	88	51	61	399	814	178	165	120	172	41	76	369	778
Ottawa	24	18	17	25	53	137	37	43	64	25	21	33	112	255
Johnstown	245	165	65	136	473	1084	198	205	240	179	93	195	561	1268
Bathurst	101	67	43	67	211	489	120	120	212	120	27	56	318	733
Dalhousie	79	80	106	92	124	491	61	76	90	85	104	92	131	502
Midland	332	93	48	90	129	692	175	182	292	70	12	35	237	646
Prince Edward	151	49	5	27	237	469	98	97	174	48	10	28	226	486
Victoria	90	46	14	52	272	475	103	113	95	78	9	37	317	536
Newcastle	119	116	28	66	363	692	171	193	175	204	39	84	502	1004
Home	198	136	74	78	561	1047	314	316	198	257	89	102	662	1308
Colborne	78	41	27	33	173	352	73	87	20	58	39	37	167	321
Simcoe	77	97	40	46	138	398	83	90	86	95	23	47	215	466
Gore	210	188	47	68	379	892	200	191	277	217	39	58	469	1160
Niagara	188	124	86	118	484	1100	183	184	196	193	128	162	741	1430
Talbot	91	31	20	43	141	326	109	91	98	53	22	60	257	490
Brock	113	59	40	34	172	418	148	136	109	59	40	22	64	296
Wellington	82	82	28	39	170	402	104	105	91	118	32	40	219	500
London	94	201	31	47	250	623	195	206	215	65	33	199	316	828
Huron	59	34	61	32	56	242	41	53	38	46	95	30	164	373
Western	23	108	51	49	433	664	134	149	125	112	63	66	301	667
	2549	1823	882	1293	5218	11675	2727	2800	2815	2254	959	1459	6348	13835

Total School Visits reported in 1846 5,925
Total School Visits reported in 1847 11,675
Total School Visits reported in 1848 13,835

N.B. The School Visits reported in 1846, are those of the District and Township Superintendents of Common Schools; no other persons in that year being legally authorized School Visitors. The official Visits of Clergymen, Councillors, Magistrates and others, are only reported for the years 1847 and 1848. Those for 1848 exhibit a very gratifying increase, and

* Inserted as a standard by which to

Report of the Chief Superintendent for 1848

School Law for Upper Canada, for 1846.

Sch'l's in 1848*.	Books Recommended by Board of Education for Upper Canada, Used in the Common Schools in 1847 and 1848.													
Number of Schools in operation in 1848.	Bibles and Testaments in 1847.	Bibles and Testaments in 1848.	National Readers in 1847.	National Readers in 1848.	National Arithmetic in 1847.	National Arithmetic in 1848.	Lennie's E. Grammar in 1847.	Lennie's E. Grammar in 1848.	Kirkham's E. Grammar in 1847.	Kirkham's E. Grammar in 1848.	National Geography in 1847.	National Geography in 1848.	Morse's Geography in 1847.	Morse's Geography in 1848.
165	96	96	77	110	39	59	59	82	13	11	17	14	16	20
43	34	16	17	28	9	10	17	26	2	0	2	4	6	12
205	147	118	99	133	55	69	30	40	73	78	16	14	66	102
120	107	87	101	100	51	56	58	61	0	3	39	12	9	23
76	41	67	15	40	3	4	6	21	3	6	4	7	2	3
182	129	139	120	152	47	12	17	30	79	130	33	15	81	110
97	67	91	59	83	28	20	30	32	24	51	0	0	42	56
113	63	43	62	91	54	91	11	4	45	50	2	3	35	39
193	148	139	89	66	45	30	46	63	65	74	44	6	29	42
316	217	233	65	122	30	39	79	122	54	44	18	18	61	84
87	47	30	2	29	0	10	7	30	1	15	2	8	2	10
90	42	78	38	70	17	36	26	29	4	5	2	5	7	15
191	96	136	115	156	65	71	96	131	48	48	18	13	41	83
184	115	98	58	95	24	49	35	32	86	75	1	3	89	115
91	72	56	67	60	0	15	29	15	27	70	0	8	27	39
136	67	64	61	101	15	5	19	31	54	70	3	4	30	65
105	69	81	41	72	23	38	32	38	5	7	9	7	6	16
206	90	134	131	144	53	55	76	81	43	51	5	13	82	106
53	29	48	20	36	19	21	14	27	0	1	3	7	5	4
149	7	32	80	143	38	75	30	12	23	18	12	12	15	16
2800	1752	1776	1317	1831	615	756	717	907	649	801	230	173	651	960

The Reports of Books used in the Common Schools of U. C. only extend to the years 1847 & 1848—no provision having been previously made to obtain any information on the subject. By comparing the total number of Schools in which each Book, recommended by the Board of Education, is used, with the total number of Schools in operation in each year, it will be seen that the introduction of those Books has been very general, and that they are very extensively used throughout Upper Canada.

prove a very important additional agency in promoting and sustaining public interest in the Common Schools, and in encouraging both Teachers and pupils in the discharge of their duties.

compare the operations of each year.

CHAPTER VIII.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATURE OF CANADA, 1849.

On the 18th of January, 1849, the Second Session of the Third Provincial Parliament of Canada was opened by Governor-General, Lord Elgin, in a Speech from the Throne. In that Speech he, among other things, stated that the question of "the Constitution of the University of King's College" would engage the attention of Parliament. He also said:

I would further recommend for your consideration the expediency of setting apart a portion of the Public Domain, in order that the Revenue derived from the sales thereof may form a Fund, the interest of which shall be applied to the support of Common Schools. It may probably be deemed advisable to authorize the Government to invest the Capital, arising from this source, either in the Stocks of the Province, or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament.

EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1849.

January 22nd, 1849.—Pursuant to the Order of the Day, the following Petitions were read:—1. Of Mr. Thomas Horner and others, of the Township of Anderdon, in the Western District; praying certain amendments in the Common School Act; 2. Of Mr. William Benson and others, of the Township of Dunwich, District of London; praying that a certain sum due to the said William Benson, for his services as a Common School Teacher may be paid him; 3. Of the Reverend T. Smith and others, Roman Catholics of Upper Canada: praying that provision be made for the College of Regiopolis, at Kingston, commensurate with the wants of the Roman Catholic population of the Province; Of Mr. Patrick Finn and others, Trustees of the Roman Catholic Separate School of the Town of Niagara, praying that the Common School Act may be amended, by providing for a more equitable apportionment of the School Fund.

The Petition of the Reverend T. Smith and others, Roman Catholics of Upper Canada, was read as follows:—

TO THE HONOURABLE THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF CANADA.

*The Petition of Clergymen and Laymen of the Roman Catholic Church in Canada,**

Respectfully sheweth: That your Petitioners, and the Brethren of their Religious Faith, forming, as they now do, one-fourth of the population of Canada West, have, for a long time, seriously deplored the lamentable want of efficient public aid in providing, consistently with their Religious Principles, a suitable education for their youth, whose growing numbers are so rapidly increasing as to require, for this object, whatever assistance from the public funds it may be in accordance with the wisdom of Your Honourable House to bestow.

2. Your Petitioners also respectfully submit to the consideration of Your Honourable House, how important it is for the general prosperity of the Country at large, that no feelings of mistrust should be allowed to take root in the minds of Roman Catholics of this Country, as to any want of solicitude on the part of Government to afford them, in common with any other Religious Denomination, a proportionate share of its patronage, as well as support, out of the public revenues, in aid of education.

3. Your Petitioners beg respectfully to suggest, that, besides their difficulties in procuring general education for their youth, agreeably to their Religious Tenets, being greater in many cases than those of other Christian Denominations, they have also another superior difficulty to contend with, arising out of the yearly immigration of so many persons, wanting the means of education, the reason of which it is unnecessary here to explain.

*This Petition is in form and substance identical with that inserted on pages 64, 65 of the Seventh Volume of this Documentary History.

4. Petitioners, moreover, respectfully represent, that there are, at present in the different sections of this Country, many Roman Catholics who, having acquired considerable substance by their skill, or industry, are anxious for the education of their sons in the higher branches of learning; but, from this, they are debarred by a solicitude alone for the preservation of the Religious Faith of their children, and not by any want whatever of kindliest feelings for their Protestant Fellow-Subjects; for it is their, and our, decided conviction that, even though the present Constitution of the University of Toronto should be amended, according to the most liberal form, the great majority of the Professors will be undoubtedly Protestant, and obviously anti-Catholic in their admonitory tendencies and teaching.

5. Solicitous, therefore, as we are for the education of our Upper Canadian Catholic youth in all the higher walks of learning, in a mode consistent with the moral enjoyments of our Religious Faith, we might also incidentally allude to the benefit the whole Province would derive from the education of our French Canadian brethern in the English portion of it. It is well known, that there are, at present, in the lower part of the Province, many of our French Canadian brethern both anxious and able to give all the benefits of an English education to their sons, but who have been hitherto deterred from doing so, by the want of an Institution in Upper Canada, where they might receive such an education, without fear of detriment to their Religious Faith. Since the opening of the College of Regiopolis, at Kingston, several such persons have lost no time in placing their sons in that Institution. If then, through the liberality of your Honourable House, either from the property of the University of Toronto, or out of the proceeds of the Jesuits' Estates, or from other sources at the disposal of the Provincial Government, the College of Regiopolis be established on a permanent and respectable basis, so as to enable it to support a staff of well-trained Professors for the upper branches of learning, Catholic parents, in both portions of the Province, will feel security and encouragement in confiding their children to that Institution. Their encouragement will be heightened with the cheering prospect, which hope ever raises in the mind of the parent, at the thought of a superior education for his child, while their serenity will never be disturbed by apprehensions on the score of Religious Principles, which the children will imbibe from their Professors.

6. Should it seem meet to the wisdom of your Honourable House to take the above premises into your just consideration, and make a suitable provision for the said College, in the manner aforesaid, or in such wise as may seem fitting to your Honourable House, in its proper discretion, Your Petitioners, as in duty bound, will ever pray.

RICHMOND, 1849. T. SMITH, Roman Catholic, Pastor, and others.

January 24th, 1849. In the Reply of the House of Assembly to the Speech from the Throne, that House assured His Excellency:

That the Constitution of the University of King's College, shall receive their best attention; and that this House received with peculiar gratification the recommendation of His Excellency to consider the expediency of setting apart a portion of the Public Domain, in order that the Revenue derived from the sales thereof, may form a Fund, the interest of which shall be applied to the Support of Common Schools; and to assure His Excellency that the subject will receive their best attention, as well as the important suggestion of His Excellency to invest the Capital arising from this source, either in the Stocks of the Province or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament.

January 25th, 1849. The Petition of Mr. Charles Symmes and others, of the County of Ottawa was read: praying for certain amendments to the Common School Law of Upper Canada.

January 26th, 1849. The Petition of the Municipal Council of the District of Bathurst was read: praying that the funds available from the Revenue of the University of King's College be applied to the support of Grammar and Common Schools in each District; and that the final decision of that question may be formed upon the basis of Equal Rights to all men; also the following Petitions Of the Municipal Council of the District of Bathurst; praying certain amendments to the Upper Canada Common School Act. 2. Of the Municipal Council of the District of Brock; praying that the endowment of the University of King's College, Toronto, be not divided; and that Theological Institutions may, in no case, be provided for at the public expense.

The Honourable Attorney General Baldwin, presented, by Command of His Excellency the Governor General, the Report of the Chief Superintendent of Schools of Upper Canada, for the year 1847.

January 29th, 1849. The following Petitions were read 1. Of Mr. James P. Wells and others, Trustees of the Grammar School for the District of Ottawa; praying for an Act to enable them to dispose of the present Grammar School House, and to provide another more convenient and eligible in the Town of L'Original,—and also for aid in support of the same. 2. Of the Municipal Council of the District of Newcastle; praying for certain amendments to the Upper Canada Common School Act. 3. Of the Right Reverend the Bishop of Bytown, praying

for an Act of Incorporation of the College of Bytown ; and also praying for aid to that College. 4. Of Mr. Robert Conroy and others, of Bytown and its vicinity ; praying that the College of Bytown may receive a like support by Legislative aid as the other Colleges of Upper Canada. 4. Of the Canadian Baptist Union, praying that all sectarianism be removed from the Constitution of King's College ; and that the Clergy Reserves Fund be applied to the purposes of Popular Education, without reference to Sect, or Creed.

On motion of Mr. J. S. Macdonald, seconded by Mr. B. Holmes, it was,—

Resolved,—That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, a Return of all Special Grants to Schools and Colleges, (not including the annual grant to Common Schools for Upper and Lower Canada of £50,000,) with the particulars of the expenditure in each case, the names of the Teachers, or Professors, who are employed ; the number of pupils who share in the benefit ; and the course of instruction pursued—also ; the Religious body (if any) with which the Institution is connected.

January 31st, 1849. The following Petition in regard to a Provincial School of Art and Design was read :

To the Honourable the House of Assembly in Provincial Parliament Assembled.

The Petition of the Undersigned Working Mechanics, residing in the City of Toronto,

Most Respectfully Sheweth :—That your Petitioners have recognized, with much gratification, the generous and noble grants to, and endowments of the several Literary and Scientific Institutions of the Province, for the purpose of preparing and fitting the youth thereof for the different learned Professions, and the higher stations in life ; as also for the encouragement of Agricultural pursuits ; both of which objects your Petitioners are fully aware are calculated, in their spheres, to promote the best interests of the Country and which, (largely through the fostering aid thus afforded,) have attained to a high standard and reputation.

2. Your Petitioners are also fully sensible of the earnest consideration and attention, that is justly given, (especially by your Honourable House,) to the interests of the commercial classes of the community.

3. But your Petitioners have to lament, that, as yet, but little has been done by previous Legislatures in behalf of the numerous class with which they stand connected and hence, to a certain extent, they are led to attribute the comparative backward state of our manufactures and mechanical sciences, and consequent great detriment sustained by the Country at large.

4. Your Petitioners, therefore, most humbly pray, that some small portion of the valuable time of your Honourable House, during its present Session, may be devoted to the consideration of the advancement of their class, either by the Establishment of a Provincial School of Art and Design, where youths intended for the various Artistical and Mechanical businesses, could be prepared for entering with advantage upon their apprenticeships, by obtaining a scientific knowledge of the organization of the material and the properties of the natural substances which they may be required to use, the laws of the Mechanical Sciences, etcetera ; or by the adoption of such other Measures as to your Honourable House, in its wisdom, should deem meet. And your Petitioners, as in duty bound, will ever pray.

Toronto, January, 1849. John E. Pell, and others.

(Note. In the expectation that aid would be granted for this purpose, a "Synopsis of a Course of Study" for a "School of Art and Design" was, in the year 1849, prepared by Mr. H. Y. Hind, the Mathematical Master of the Normal School, under the direction of the Chief Superintendent of Education. Provision was made for such a School in the Draft of Bill on page 219 of this Volume.)*

February 1st, 1849. The following Petion was read : Of the Reverend Æneas McDonald and others, the Catholic Clergy and Laity of the Parish of Cornwall : praying that such provision be made for the College of Regiopolis, Kingston, as may place it upon a secure and permanent basis.

February 2nd, 1849. Mr. Speaker laid before the House the following Report for 1848 of the Trustees of the Friends' Boarding School at West Lake, Prince Edward County:—

* In addition to the preparation of this "Synopsis," a variety of Publications on the subject of "Art and Design" were purchased for the Library of the Education Department, (where they now are.) Instead of this School of Art being established, a College of Technology for the education of Mechanics and others was organized and put into operation in Toronto in 1871. See pages 214 and 219 of this Volume.

FRIENDS BOARDING SCHOOL. The Trustees having charge of Friends' Boarding School, established at West Lake, in the Prince Edward District, report, that a part of their number have visited the Institution monthly ; and, at the close of the year, have carefully investigated the Affairs thereof, and have taken an Inventory of the Property belonging thereto, which they submit to the Legislature in the following form ;—

	£	s.	d.	£	s	d.
Land and Buildings	1,250	0	0			
Live Stock	61	15	0			
Hay and Grain	97	10	0			
Farming Utensils	40	17	3			
Provisions on hand	36	10	9			
Household Furniture	136	16	3			
				1,623	9	3
To this add the Debts due the School				184	9	6
				£1,807	18	9
From this deduct the Debts due by the School				273	19	5
Total net amount of School Property				£1,533	19	4
The expenditure for the year, exclusive of the Produce of the Farm, was as follows :—						
For labour, including salaries of Superintendents and Teachers	175	16	2			
For Provisions and Groceries	66	10	7			
For Repairs and Incidental Charges	18	7	0			
				260	13	9
The amount of credit for the year was—for Board and Tuition	247	0	11			
The amount of credit for the year was—for Produce sold	24	10	5			
				271	11	4
The Receipts having exceeded the Expenditure by				£10	17	7

The total number of Boarders in the School within the year were 69, of which number 37 were Males, and 32 Females.

The average attendance of Male Pupils during the Winter Term, including some Day Scholars, was 17 nearly, there being no School in that Department during the Summer Term this year. The average of Females for the year was about 10. By Order of the Trustees.

WILLIAM GARRET, Clerk.

West Lake, 30th, 12th Month, 1848.

February 8th, 1849. The following Petition was read : Of Mr. Thomas Kelly and others of Prescott, praying for aid on behalf of Regiopolis College.

February 12th, 1849. The following Petitions were read : 1. Of the Right Reverend Patrick Phelan, Bishop of Carrhœ, and Administrator of the Diocese of Kingston, and others, Roman Catholics of Upper Canada ; praying that suitable provision be made for the College of Regiopolis, Kingston : 2. Of the University of Queen's College, Kingston ; praying for an adequate endowment for the said College. 3. Of the Board of Trustees of Queen's College, Kingston, praying for aid. This Petition was read, as follows :—

TO THE HONOURABLE THE HOUSE OF ASSEMBLY, CANADA.

The Petition of the University of Queen's College, Kingston,

Respectfully Sheweth,—That while the other University, established by Royal Charter, within the late Province of Upper Canada, namely, that of King's College, Toronto, had been richly endowed out of the Public Lands of the said Province, although such Endowment was not employed in the actual instruction of youth, until after the opening of Queen's College, (in March, 1842). Queen's College has been supported, almost exclusively by the Presbyterian inhabitants of Canada, in connection with the Church of Scotland, although its benefits are by no means confined to the youth of that Church but are open to all ; and all Religious Denominations have availed themselves thereof.

2. Your Petitioners have no doubt but that your Honourable House will give due consideration to the following reasons, which they desire to lay before your Honourable House why Queen College ought to receive a much larger annual Grant than Five Hundred pounds, (£500,) the very smallest sum hitherto granted to similar Institutions, although, by no means possessed of equal claims :

(1) Queen's College is incorporated by Royal Charter from Her Most Gracious Majesty.

(2) Queen's was the first College, so founded, in actual operation in Canada.

(3) Queen's College has no Endowment from Public Lands.

(4) Queen's College has also, as is well known, a special claim on the funds of King's College, yet unliquadated, the settlement of which has been guaranteed both by the Home and by the Provincial Government and by King's College*.

And your Petitioners, as on duty bound, will ever pray.

KINGSTON, February, 1849. (Signed by the Representatives Queen's University.)

NOTE. In a subsequent Petition, dated March 6th, 1849, the Trustees say :—

While other Institutions have been liberally assisted from other sources, and while, for example, King's College has been enabled to erect suitable Buildings, from a very large revenue, and Victoria College has received a Grant of Four Thousand pounds, (£4,000,) for building purposes, Queen's College has not hitherto received any special Grant from the Government.

COMMISSION OF INQUIRY INTO THE AFFAIRS OF KING'S COLLEGE, TORONTO.†

February 13th, 1849. On motion of the Honourable Henry Sherwood, seconded by the Honourable John A. Macdonald, it was—

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Ordinance of the Council of King's College appointing Commissioners to enquire into the affairs of the said College, and, of the instructions given to the said Commissioners, as well as of all other Documents having reference thereto.

The Honourable Henery Sherwood, having moved an Address to His Excellency for a copy of the instructions given to the Commissioners who were appointed to investigate the Financial Affairs of King's College, Toronto,

The Honourable Mr. Attorney General Baldwin remarked, that the honourable gentleman was in error in supposing, that a Commission had been appointed by the Government, it was, in reality, a Committee appointed by the King's College Council itself.

At the same time, he would take occasion to remark, that the reason why the Government had not laid before the House their Bill, with respect to the University, as soon as their other Measures, was, that they were in expectation of a preliminary, if not a final, Report, which would give them some idea of the monetary affairs of the College. His honourable friend from Halton, (Mr. John Wetenhall), who was on the Commission, would, he believed, be prepared to give every information respecting the Commission. . . .

Mr. John Wetenhall, Member for Halton, said that he was, as the learned Attorney General had stated, a Member of King's College Commission, which had been established by authority of a Statute of King's College, passed in July last.

He had informed the Commission, a few days before leaving Toronto, that he was about to attend in his seat in Parliament, and, as it was probable he might be called on to explain why the Commission had not made their final Report, he wished to confer with them on the subject.

The Commissioners were unanimously of opinion, that he should make no statement in Parliament, which would be construed with an expression of opinion on matters still under consideration. . . .

The Commission consisted of Doctor Workman, Judge R. E. Burns, and himself. They met for the first time, on the 7th August last, and, after nominating him, (Mr. Wetenhall) Chairman, proceeded to call on the Reverend Doctor McCaul, President of the University, and informed him, that they were ready to enter upon their duties. The President entered into some details of the business of the Bursar's Office, explanatory of the nature and purposes of the Account Books kept therein.

* The questions here raised, and reiterated, are those reviewed and discussed in the voluminous correspondence on the subject, inserted in Chapters V and VI of the Fourth Volume of this Documentary History. See especially pages 103-108 of that Volume, and page 9 of the Sixth Volume.

† For particulars of this Inquiry see pages 1-50 of this Volume.

The Commissioners have received at the hands of the President, and of every Officer and Servant of the University, the most marked courtesy and attention.

The first object of the Commissioners was to make themselves acquainted with the manner in which the business of the College Office had been conducted from the founding of the University, in 1827, down to the present time ; and as they were aware, that much excitement on this subject prevailed throughout the Province, they felt convinced of the necessity of approaching their inquiries unbiassed by party feeling, or Religious Denominational predilections. They, therefore, resolved to discard from their minds all reference to any statements which had been made in relation to the affairs of the University, either by the advocates, or by the opponents, of the present organization and management ; and to form their opinions exclusively upon the facts, which they should themselves discover in the course of their investigation.

With this view, the Commissioners deemed it proper to confine their preliminary inquiries to the careful examination of the documentary evidence afforded by the University Records. The Minutes of the College Council, and the copies of its Official Correspondence, were, therefore, obtained, and read over with much attention, extracts being taken in every instance, when necessary. . . . After examining these Records, the Commissioners found it necessary to address a number of Questions to several of the Officers of the University, seeking for explanation upon various matters, referred to, in these Records. These Questions were framed with much care, and embraced so wide a range of facts, as to render their construction a work of considerable labour and solicitude. And it is probable, that the preparation of the Answers by the several parties to whom they were addressed, will require some time and much careful consideration, in order to render them sufficiently explicit to meet the purposes desired.*

In order to conduct with exactitude and satisfaction, that part of the investigation which related to the department of Accounts, the Commissioners obtained the services of a competent Accountant, . . . one whose qualifications were well known in the City of Toronto to be of a high order . . . With the assistance of their Accountant, they made an examination of the College Account Books, . . . but they soon discovered, with much regret, that it would be a matter of total impossibility to declare from these Books a satisfactory and reliable report of the present state of the finances, or of the general management, the Endowment. . . . The Commissioners soon perceived that a re-compilation of the Accounts upon approved commercial principles was indespensable : they accordingly lost no time in making the necessary arrangements for the prosecutions and final completion of this part of their work. . . .

Having, at the outset, determined, that the work should be either well done, or not attempted, the Commissioners saw no alternative, but to proceed with their labours, in accordance with the system, which they had decided upon pursuing. A complete new set of Account Books, constructed upon the principles of double entry, is in process of compilation, the materials for the construction of these Books are drawn from the existing Account Books and Financial Records of the College Office.

This part of the work is one of considerable difficulty, and requiring the exercise of sound practical knowledge, and the utmost patience and penetration on the part of the Accountant. Annual balances are made up with a view to ensure accuracy in the general work, and to enable the Commissioners to present such periodical statements of the affairs of the University as may exhibit the character of the management at various periods of administration. . . .

The Commissioners have no difficulty in stating, that they are fully convinced, that their labours will, when completed, be found valuable, alike to the interests of the community and of the University, and though no other advantage should be secured, than the establishment of a rational and scientific system of keeping the College Accounts, the work will not have been performed in vain, the Account Books, which will be left by the Commissioners, will not only serve the purposes of readily available financial records, but will also be found a model for the illustration of a proper and valuable system of Book Keeping,—a desideratum of great importance to King's College Office.

February 15th, 1849. Ordered, that Two hundred and Fity copies of the Petition of the Right Reverend Patrick Phelan, Bishop of Carrhœ, and Administrator of the Diocese of Kingston, and others, Roman Catholics of Upper Canada, be printed for the use of Members of this House.†

February 19th, 1849. The Petition of the Reverend Mr. Lalor and others, and also of the Reverend Michael Brennan and others of Belleville : praying that suitable provision be made for the College of Regiopolis, Kingston. (Similar to that of the Reverend T. Smith on page 110.)

February 26th, 1849. The Petition of the Reverend J. H. McDonagh and others, Priests and Laymen of Perth and its vicinity, was read : paying that suitable provision be made for the College of Regiopolis. (Similar to that of the Reverend T. Smith, on page 110.)

* These Questions and Answers will be found on pages 26—50 of this Volume.

† A copy of this Petition will be found on pages 64, 65 of the Seventh Volume of this Documentary History, and is almost identical with that of Reverend T. Smith given on page 110, herewith.

Ordered, That the Report of the Chief Superintendent of Schools of Upper Canada, for the year 1847, be printed for the use of the Members of this House.

Ordered, That the Petition of the Reverend T. Smith and others, Roman Catholics, praying that provision be made for Regiopolis College, presented on the 22nd of January, will be printed for the use of Members of this House. (See page 110 herewith)

February 27th, 1849. The Honourable James H. Price moved, seconded by the Honourable William H. Merritt, That this House do now resolve itself into a Committee on the subject of making an appropriation for Common School purposes.

The Honourable J. H. Price, a Member of the Executive Council, by Command of His Excellency the Governor General, then acquainted the House that His Excellency, having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House do now resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee. Mr. N. Dumas took the chair of the Committee ; and after some time spent therein, Mr. Speaker took the Chair, and Mr. Dumas reported, That the Committee had come to a Resolution. It was then—

Ordered, That the Report be received to-morrow.

February 28th, 1849. Mr. N. Dumas, from the Committee on the subject of making an appropriation for Common School purposes, reported a Resolution, which was read as followeth:—

Resolved, That it is desirable that an annual sum of One Hundred Thousand pounds should be raised from the Public Lands of this Province, for the maintenance and support of Common Schools therein, and that so much of the first monies to be raised by the sale of such Land as shall be sufficient to create a capital which shall produce the said annual sum of One Hundred Thousand pounds, (£100,000), at the rate of six *per centum, per annum*, shall be set apart for that purpose. The said Resolution, being read a second time, was agreed to.

Ordered, That the Honourable J. H. Price have leave to bring in a Bill to raise an income of One Hundred Thousand pounds (£100,000) out of the Public Lands of Canada, for Common School Education. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time, on Friday next.

The following is a copy of the original Bill, as introduced by Mr. Price :—

Title. BILL,—AN ACT TO RAISE AN INCOME OF ONE HUNDRED THOUSAND POUNDS (£100,000 OUT OF THE PUBLIC LANDS OF CANADA, FOR COMMON SCHOOL EDUCATION.*

Preamble. WHEREAS it is desirable that an annual sum of One Hundred Thousand pounds, (£100,000,) should be raised for the Public Lands of this Province, for the maintenance and support of Common Schools therein ; and that so much of the first monies to be raised by the Sale of such Lands, as shall be sufficient to create a Capital which shall produce the said annual sum of One Hundred Thousand pounds, (£100,000,) at the rate of six *per centum, per annum*, should be set apart for that purpose :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and assent of the Legislative Council and House of Assembly, of the Province of Canada :—

I. That all monies that shall arise from the Sale of any of the Public Lands of the Province, shall be set apart for the purpose of creating a Capital which shall be sufficient to produce a clear sum of One Hundred Thousand pounds, (£100,000), per annum, which said Capital, and the income to be derived therefrom, shall form a Public Fund to be called the Common School Fund of Canada.

Capital to be invested in Debentures. II. *And be it further enacted*, That the Capital of the said Common School Fund shall, from time to time, be invested in the Debentures of any Public Company, or Companies, in the Province, which may have been incorporated by an Act

Condition. of the Legislature, for the construction of Works of a Public Nature, and which said Company, or Companies, shall have subscribed their whole Capital Stock, paid up one half of such stock, and completed one half of such work, or works, or in

No alienation of income permitted. the Public Debentures of this Province, for the purpose of creating such annual income which said Common School Fund, and the income thereof shall not be alienated for any other purpose whatever, but shall be, and remain, a perpetual

*In 1831, a Select Committee of the House of Assembly reported in favor of setting apart One Million acres of Crown Lands, from the Sale of which a Provincial Common School Fund might be created. See pages 49-51 of the Second Volume of this Documentary History. See also the First Report of the Select Committee of the House of Assembly in 1833 in which a grant of 1,000,000 acres of Land for Common Schools is asked for. Page 142 of the same Volume.

Fund for the support of Common Schools, and the establishment of Township and Parish Libraries.

III. *And be it further enacted*, That the Commissioner of Crown Lands, under the direction of the Governor-in-Council, shall set apart and appropriate One Million of Acres of such Public Lands, in such part, or parts, of the Province as he may deem expedient, and dispose thereof, on such terms and conditions as may, by the Governor-in-Council be approved ; and the money arising from the Sale thereof shall be invested and applied towards creating the said Common School Fund : Crown Lands Commissioner to appropriate Land as directed. Disposition of the Lands set apart.

Provided always, That, before any appropriation of the monies arising from the Sale of such Lands shall be made, all charges thereon for the management or Sale thereof shall be first paid and satisfied. Proviso.

IV. *And be it further enacted*, that, so soon as a net annual income of Fifty Thousand pounds. (£50,000,) shall be realized from the said Common School Fund, the public grant of money paid out of the Provincial Revenue for Common Schools, shall for ever cease to be made a charge on such Revenue* : £50,000 when realized to be used.

Provided always, nevertheless, That, in the meantime, the interest arising from the said Common School Fund, so to be created, as aforesaid, shall be annually paid over to the Receiver General, and applied towards the payment of the yearly grant of Fifty Thousand pounds, (£50,000) now appropriated for the support of the Common Schools : Proviso.

Provided Further, That after the said annual sum of Fifty Thousand pounds, (£50,000,) shall have been taken off the Consolidated Revenue, and the income arising from the said Common School Fund shall, from any cause, whatever, fall short of the annual sum of Fifty Thousand pounds, (£50,000,) then it shall and may be lawful for the Receiver General of the Province to pay out of the said Consolidated Revenue, such sum, or sums, of money as may, from time to time, be required to make up such deficiency, the same to be repaid so soon as the said income of the said Common School Fund shall exceed the said sum of Fifty Thousand pounds, (£50,000.) Proviso. Deficiency to be made up. Advance to be replaced.

March 1st, 1849.—Ordered, that Five Hundred additional copies of the Report of the Chief Superintendent of Schools for Upper Canada, for the year 1847, be printed for the use of the Members of this House.

March 2nd, 1849.—Pursuant to the Order of the Day, the following Petitions were read:—

March 2nd, 1849.—The following Petitions were read. 1. Of Mr. G. T. Havens and others, of the Township of Grantham, praying that sectarianism, and all other abuses, may be removed from the constitution and administration of King's College ; 2. Of Mrs. Rebecca Sylvester, of Toronto ; praying for a pension in consideration of her past services as Teacher of the Central School of the City of Toronto.†

March 6th, 1849 :—The Order of the Day for the second reading of the Bill to raise an Income of One Hundred Thousand pounds, (£100,000,) out of the Public Lands of Canada, for Common School Education, being read ; the Bill was accordingly read a second time ; and referred to a Committee of the whole House. Mr. James Smith, of Durham, took the chair of the Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; and Mr Smith, of Durham, reported, that the Committee had gone through the Bill, and had directed him to report the same, without amendment. It was then Ordered that the Bill be engrossed.

March 7th, 1849.—An engrossed Bill to raise an income of One Hundred Thousand pounds out of the Public Lands of Canada, for Common School Education, was read the third time and it was Resolved, That the Bill do now pass. It was then—

Ordered, That the Honourable James H. Price do carry the Bill to the Legislative Council, and desire the concurrence to it of that House.

8th March.—Pursuant to the Order of the Day, the following Petitions were read :—

March 8th, 1849.—Of Mr. George Tillson and others, of Dereham, praying that certain abuses be removed from the Administration and Charter of the University of King's College.

The Honourable Attorney-General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,—Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 13th

* For the circumstances which led to the setting apart of this Fifty Thousand pounds, (£50,000,) of the Common Schools of Canada, see pages 159, 160 of the Fourth Volume of this Documentary History.

† In regard to this special School, founded in 1826, see page 174 of the First Volume of this History.

ultimo, praying that His Excellency would be pleased to cause to be laid before them a Copy of the Ordinance of the Council of King's College, appointing Commissioners to inquire into the Affairs of the said College, and of the Instructions given to the said Commissioners, as well as of all other Documents having reference thereto.*

The Honourable Attorney General Lafontaine . . . presented a Return to so much of an Address of the Legislative Assembly, dated the 29th of January, 1849, . . . a Return of all special Grants to Schools and Colleges, [in Upper Canada], not including the annual [Common School Grant] with the particulars of the expenditure in each case, the names of the Teachers or Professors, who are employed, the number of pupils, who share in the benefit, and the course of instruction pursued,—also the Religious Body (if any) with which the Institution is connected. The following is a copy of this Return, so far as aid to Colleges in Upper Canada is concerned :

Names of Colleges aided.	Amount granted each year in Currency.				Religious Body.
	1845	1846	1847	1848	
	£ S. D.	£ S. D.	£ S. D.	£ S. D.	
Upper Canada College at Toronto	1,111 2 2	1,111 2 2	1,111 2 2	1,111 2 2	(Provincial).
Victoria College at Cobourg	500 0 0	500 0 0	500 0 0	500 0 0	Methodist Church.
Queen's College at Kingston	....	500 0 0	500 0 0	500 0 0	Church of Scotland.
Regiopolis College at Kingston	.....	... .	500 0 0	500 0 0	Roman Catholic Church.

March 16th, 1849.—Ordered that Mr. John Egan have leave to bring in a Bill to incorporate the College of Bytown. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time, on Wednesday next.

A Message was received from the Legislative Council, as follows :—

MR. SPEAKER,—

The Legislative Council has passed the following Bill, without amendment, videlicet : Bill, intituled: "An Act to raise an income of One Hundred Thousand pounds, (£100,000,) out of the Public Lands of Canada, for Common School Education."

LEGISLATIVE COUNCIL, 11th March, 1849. PETER MCGILL, Speaker.

March 19th, 1849.—Ordered, That the Return to so much of an Address of this House to His Excellency the Governor General dated 29th January, 1849, as relates to all Special Grants to Schools and Colleges, laid before the House on Monday, the eighth instant, be printed for the use of the Members of this House.

March 22nd, 1849. Resolved that a Select Committee, composed of Mr. Robert Christie, the Honourable Messieurs M. P. de Sales Laterriere and H. J. Boulton, and Messieurs Pierre J. Chauveau and François Lemieux be appointed to inquire into and report to this House what Acts, since the Union of the late Provinces of Upper and Lower Canada have been passed by the Parliament of this Province incorporating . . . Educational . . . Institutions therein . . . etcetera.

March 28th 1849. The following Petitions were read : 1. Of Mr. Samuel Heath and others, of Chinguacousey and vicinity ; praying that the Constitution and Management of the University of King's College may be placed upon a more enlarged and liberal basis ; 2. Of Mr. James Inglis and others, Members and Adherents of the Baptist Churches in Canada West, praying that the Endowment of the University of King's College may be preserved undivided, and that the said University may be conducted upon non-sectarian principles.

Mr. Robert Christie, from the Select Committee appointed, on the 22nd instant, to inquire into, and report, to this House, what Acts, [since 1840], have been passed by the Parliament of this Province, incorporating . . . Educational . . . Institutions . . . etcetera, (in Upper Canada), reported as follows :-

* A copy of the Statute, (or ordinance,) of King's College Council, appointing these Commissioners is printed on pages 236, 237 of the Seventh Volume of this Documentary History.

So far as the Return related to Upper Canada :—

Reign, and Chapter of Act.	Title of the Act.	Amount of Annual Income authorized under the Act.	Remarks.
4th and 5th Victoria, Chapter 37 (1841).	An Act to incorporate the Upper Canada Academy at Cobourg, under the name and style of "Victoria College."	£ s. d. 2,433 6 8 Currency.	This College was incorporated by Royal Letters Patent, on the 12th October, 1837, under the name of the "Upper Canada Academy." By 4th and 5th Victoria, Chapter 34, a sum of £500 was granted to Victoria College. The annual amount of Revenue, which it is authorized to hold is £2,000 Sterling, which converted into Currency gives the amount placed in the Column of Revenue.
8th Victoria, Chapter 79, (1844-5).	An Act to authorize the conveyance of certain Real Estates to the College of Regiopolis, at Kingston, and to enable the said College to acquire and hold Real Property to a certain amount.	3,000 0 0 Currency.	This College was incorporated in 1837, by Act of Upper Canada, 7 William IV Chapter 56, under the name of "The College of Regiopolis."
Bill number 178.	An Act to incorporate "The College of Bytown."	2,000 0 0 Currency.	Brought in by Mr. J. Egan.

April 2nd, 1849. Resolved, That the Petition of Mr. James P. Wells and others, Trustees of the Grammar School for the District of Ottawa presented to the House on the 29th of January, praying for an Act to enable them to dispose of the present Grammar School House, and to provide another more convenient and eligible in the Town of L'Original,—and for aid in support of the same, be referred to a Select Committee composed of Messieurs T. H. Johnson, John Egan, G. B. Lyon, John Scott, and D. Thompson, to examine the contents thereof, and to report thereon with all convenient speed, by Bill, or otherwise.

Ordered, That the Honourable Attorney General Baldwin have leave to bring in a Bill to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof. Mr. Baldwin accordingly presented the said Bill to the House, and the same was received and read a first time ; and ordered to be read a second time on the 17th instant. The title of the Bill was as follows :—

BILL : AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY ESTABLISHED AT TORONTO BY HIS LATE MAJESTY KING GEORGE THE FOURTH, TO PROVIDE FOR THE MORE SATISFACTORY GOVERNMENT OF THE SAID UNIVERSITY, AND FOR OTHER PURPOSES CONNECTED WITH THE SAME, AND WITH THE COLLEGE AND ROYAL GRAMMAR SCHOOL FORMING AN APPENDAGE THEREOF.

The Honourable Robert Baldwin, Attorney General, in moving for leave to introduce this Bill to amend the Charter of the University, established at Toronto by his late Majesty King George the Fourth, and for other purposes connected therewith, said :

That the University Question was one, the importance of which was admitted on all sides of the House, and was one which had already (in 1845, 1846 and 1847) occupied the attention of two Governments ; it had occupied the attention of the Government, of which he was a Member, in 1843, and also the attention of the late Government at more than one period of its existence.

How the Denominational Character of the University was to be obliterated.

One of the features of the Bill, was that it divested the University of all Denominational characteristics. It had been felt by all parties, that, to give the University, that hold upon the people of the Country which it was desirable it should possess, and to give it that success which it was desirable it should obtain, it should be deprived of any Denominational characteristics, which might prevent any portion of the community, however small, from extending to it their support, by means of their sending their youth there to be educated ;—and, so long as, by the Charter of the University, one Denomination had superiority, it was, necessarily, calculated to weaken it, and to deprive it of some of that support which it required.

The great object, therefore, in framing the Bill, was to divest the University entirely of that characteristic, and for that purpose they proposed to abolish the Chair of Divinity altogether, and, by that means, and, by the abolishment of every Religious Observance, which could possibly prove offensive to any portion of the students attending the University, they thought they would be able to divest the Institution of any Denominational characteristic.

Other important changes in the University Scheme, as proposed by Mr. Baldwin.

The next point was to place the Government of the University upon a footing, which would give the people of the Country confidence in it. For that purpose they proposed, that the Senate should consist of the Professors, and twelve other persons, taken from without its walls ; of the twelve they proposed that six should be nominated by certain Colleges, which were now in existence, or which might hereafter be established ; the other Members they proposed should be appointed by the Crown,—the only restriction being, that they should have taken the Degree of Master of Arts ; this restriction was only to come into force at a remote period, as it might be found difficult, immediately after the Bill was passed, to find proper persons so qualified. It was not intended to make it a necessary qualification until the year 1860. So far with regard to the class of materials to be brought into the University ; they thought it desirable that some material should be brought into the University from without its walls, and there were only two sources from which it could well be drawn,—namely, from the Crown, and from such Educational Institutions as existed in the Country, which naturally have a deep interest in the general advancement of learning ; and they thought they could not derive a portion of their material from a better source than them. They proposed, therefore, that those outlying Colleges should have the privilege of naming one Member of the Senate,—the only qualification required being, that he should have taken the Degree of Master of Arts at the University. They also thought that it was desirable, that the power of conferring Degrees should be confined to the University. And they had, therefore, made it a condition that, before the two Colleges which now had the power of granting Degrees—Victoria and Queen's—should be allowed to name a Member of the Senate,—that they should give up the power of granting Degrees, unless in Divinity. This would not place these Colleges in a worse position than they now were, or as compared with other Institutions which might be established.

The General System of Education to be followed in the University.

Then, with respect to the General System of Education to be carried on in the University, there were two great systems which were followed in similar institutions in Europe,—the Collegiate and Professorial systems. For many years the University system had not been followed in Europe, and the work had generally been carried on by Colleges. At Oxford, originally, the system was entirely a University one, the education being conducted by the University, instead of by Colleges, as at present. The Government proposed, by the present Bill,—and in that respect it differed from the Bill of 1843, for that Bill proposed that the University should consist of certain Colleges. By the present Bill, they had joined them and gone back to the Professorial system, by which they proposed that the education should be conducted by the Professors of the University, at the Head of whom would be the President of the University.

System of Internal Government proposed for the University.

Then, with regard to the internal government of the University : They proposed that the Chancellor should be elected by the Convocation, and the Vice-Chancellor by the Senate : by which means, the Corporate Body would have the power to appoint the Head of the University.

There was another important point : that was the appointment of the Professors. The Senate would have the power to require the Caput to call for Candidates to fill any vacant Chair, and to report upon the qualifications of the persons who offered themselves ; upon the report of the Caput, the Senate would judge of the qualifications of the different Candidates, and select four of them, and send their names to the Governor, and, from those names, the Crown

would have to make a selection. It was a question, whether the appointment should not be left wholly with the Senate, or with the Crown ; but he thought, that the proposed system would be found less objectionable than either of those two other modes.

How the Question of Upper Canada College is to be treated.

Then, with respect to the disposal of a question that could not be forgotten, in dealing with the University,—he referred to that most important Appendage to it,—the Upper Canada College ; he thought that that College had always suffered a great deal from its Constitution being too intimately connected with that of the University, and its not having sufficient power to govern itself. He proposed, therefore, while retaining the College as an Appendage to the University, to give it some competent organization to govern itself.

Provision for the Financial Management of the University Endowment.

Another important point, to which he thought it necessary to call the attention of the House,—because it had attracted much attention :—he referred to the financial affairs of the University ; is was proposed that the Senate should have the general direction as to the disposal of the landed property ; but it should not be in the power of the Senate actually to dispose of it. The actual administration of the financial affairs of the University would be placed in the hands of an Endowment Board of three Members, one of whom, the Chairman,* who would be the paid manager of the affairs of the University,—would be appointed by the Crown, one Member would be appointed by the Senate, and the third Member would be appointed by the Convocation of the University ; by this means, both parties would be represented on the Board, and, would, therefore, have a voice in the management of the affairs of the University.

Mr. Baldwin said that he thought the Board would be found to work well, more especially as the Head of it would have nothing else to do in University matters. Another provision was introduced in the Bill for protecting the funds of the University from dissipation ; they were prevented from expending more than the income in any year ; and, as the Professors would draw a considerable portion of the income for their salaries, the amount deficient (if any) would have to be deducted from the salaries of the different Members of the University without distinction ; and this would cause them to take a personal interest in having the funds of the University managed in an economical manner. The Bill also made provision for making up any deficiency during the five succeeeding years, so that those who suffered from loss of salary, in part, one year would have a chance of getting it made up afterwards.

Those were the general outlines of the Bill ; and he hoped that the Bill would be received with a proper spirit, and that the question would now be finally settled. He thought nothing could be more important to the Country, and for the benefit of the University itself, all sides of the House must agree that it was highly injurious that this matter should remain any longer as it was. It was, therefore, highly desirable that the question should now be settled, even although it might not be settled according to his views, or according to the views of those of other Members of the House. If they only met the question with a desire to prevent agitation about it in future, he thought a great deal might be accomplished ; and the University might be put upon a footing which would enable it to proceed in a creditable manner and thus carry out the purposes for which it was originally founded.

April 4th, 1849. Mr. T. H. Johnson, from the Select Committee to which was referred on the 2nd instant, the Petition of Mr. James P. Wells, and others, Trustees of the Grammar School for the District of Ottawa, with power to report by Bill, or otherwise, presented to the House a Bill to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and apply the funds arising from the sale thereof towards purchasing a new site, and erecting a new School House in the Town of L'Orignal, which was received and read for the first time ; and ordered to be read a second time on the 9th instant.

April 5th, 1849. On motion of Mr. Billa Flint, seconded by Mr. Robert Bell it was—

Ordered, That the Petition of the Board of Trustees of the University of Victoria College, be now read ; and that the Rules of this House be suspended as regards the same. And the said Petition was read ; representing the circumstances and claims of that Institution, and praying increased aid in support thereof. The Petition was as follows :—

To the Honourable the Legislative Assembly of the Province of Canada, in Provincial Parliament Assembled :

The Petition of the Board of Trustees of the University of Victoria College,

Humbly Sheweth :—That the Trustees of Victoria College beg to lay before You

* The Honourable (afterwards Sir) Francis Hincks was the first Chairman of this Endowment Board.

Honourable House the following statement respecting the circumstances and claims of that Institution, and to implore Your Honourable Body to grant such additional aid to said University College, as will place it on a more efficient foundation, and promote more extensively the benevolent and patriotic object of its founders.

2. The Institution was established at a time when it was the positive recommendation of the Imperial to the Local Government to give every possible encouragement to such efforts. It was incorporated as a University College in 1841 for the purpose of imparting the advantages of a collegiate, in addition to those of a thorough and scientific English, education. Victoria College is constituted and conducted with a special view to the following objects :—

First.—The practical and sound education of those who are designed for ordinary pursuits,—an education such as cannot be obtained in the Elementary Common Schools, or in the District Grammar Schools, so imperfectly conducted in the English departments ; an education such as is not imparted in any School in Upper Canada, except, to a limited extent, in the Provincial Normal School, which is wholly designed for the training of Teachers.

Secondly.—The liberal education of young men for the professions.

Thirdly.—The education of the sons of the Wesleyan Clergy, who, from the system of itinerancy peculiar to the Methodist Church, are deprived of the ordinary opportunities of education,—their sons being subject to frequent removals from place to place. Even were the local Schools much better than they are, no youth could be properly educated by attending a succession of such Schools, in no two of which is to be found the same method, or perhaps the same Text Books of instruction.

3. The College is managed by a Board appointed by the Conference of the Wesleyan Methodist Church in Canada, and has been established by voluntary efforts, unparalleled in the history of benevolent enterprise and liberality in this Country * ; but by the provisions of the Charter, the Speakers of the Legislative Council and Assembly, and the Law Officers of the Crown in Upper Canada, are Members, *ex-officio*, of the Board of Trustees and Visitors ;

4. The Charter disallows the application of any Religious Test to students ; some of the Professors and a considerable number of the students, are not Members of the Wesleyan Methodist Church ; by the provisions of the Charter, the College is conducted on "Christian Principles," and, in practice, it is conducted with the strictest regard to the moral interests of the students.

5. We feel it is unnecessary to advert to the character of the Buildings of Victoria College, as that is manifest to all who have passed up and down the north shore of Lake Ontario ; or to the long and extensive labours of the Christian Body, by whose exertions the College has been established and sustained ; or to the large and long continued Grants and Endowments which have been bestowed upon the Clergy of the Churches of England, Scotland and Rome, while the Wesleyan Clergy have been wholly supported by Voluntary Contributions ; but we entreat the consideration of Your Honourable House to the following facts, each of which can be established in detail by the President of the College, who is the bearer of this Memorial to Your Honourable House :—

First.—That no Scholastic Institution in Upper Canada has imparted so much of solid instruction to so many students during the same period, and with such slender resources.

Second.—That Victoria College meets the wants and circumstances of a large class of youth not provided for by any other Educational Institution in the Country.

Third.—That the attendance of students at the College has increased at the rate of twenty-five *per centum*, *per annum*, during the last three years,—the number in attendance during the past year being one hundred and forty.

Fourth.—That, though the financial management of the College is, of necessity, conducted on a scale of economy, too narrow for the reasonable support and comfort of the several Officers employed, and the best interests of the Institution, yet are the Trustees unable to meet existing demands against them to the amount of several hundred pounds : nor are they able to procure many articles and instruments of Philosophical Apparatus essential to the efficient communication of instruction in the several branches of Natural Science.

Under these circumstances, the Board of Trustees earnestly implore Your Honourable House to grant such increased aid and Endowment to Victoria College, as will relieve its Managers from their present embarrassment, and place the College in circumstances to accomplish fully the noble and patriotic objects of its establishment ;

And Your Petitioners, as in duty bound, will ever pray.

* This Statement is borne out by the testimony of a Committee of the House of Assembly in 1838. The Report of that Committee states that "the exertions of the Wesleyan Methodist Church, in the accomplishment, so far, [of erecting and maintaining the Upper Canada Academy—afterwards Victoria College] are unparelled" . . . See page 122 of the Third Volume of this Documentary History.

Signed by order, and in behalf of the Trustees of the University of Victoria College at Cobourg, this tenth day of March, in the year of Our Lord, 1849.

COBOURG, 10th of March, 1849. A. MACNAB, D.D., President of Victoria College.

April 7th, 1849. *Ordered*, That the Petition of the Board of Trustees of the University of Victoria College be printed for the use of the Members of this House.

April 12th, 1849. The Order of the Day for the Second reading of the Bill to incorporate the College of Bytown being read, the Bill was accordingly read a second time ; and referred to the Standing Committee on Miscellaneous Private Bills.

April 13th, 1849.—Resolved, That this House do now resolve itself into a Committee, to consider the expediency of amending the Common School Act, and making better provision for the management and maintenance of Common Schools in Upper Canada, and of repealing the present School Act [of 1846]. The House accordingly resolved itself into the said Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; and the Chairman of the Committee reported, That the Committee had come to a Resolution ; as followeth :—

Resolved, That it is expedient to amend the Common School Act, and to make Better Provision for the Management and Maintenance of Common Schools in Upper Canada, and for repealing the present School Act [of 1846] The said Resolution, being read a second time, was agreed to.

Ordered, That the Honourable Malcolm Cameron, of Kent, have leave to bring in a Bill for the Better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act [of 1846]. He accordingly presented the said Bill to the House, and the same was received and read for the first time ; and ordered to be read a second time, on Wednesday next.*

April 16th, 1849. The following Petition was brought up and laid on the Table : the Petition of the Right Reverend the Lord Bishop of Toronto.

Ordered, That the Petition of the Right Reverend the Lord Bishop of Toronto, be now read ; and that the Rules of this House be suspended, as regards the same.

And the said Petition was read ; setting forth certain objections to the Bill to amend the Charter of the University [of King's College] established at Toronto, and protesting against the Provisions of that Bill. The Petition was read as follows :—

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF CANADA.

The Petition of John, by Divine Providence, Bishop of Toronto, most respectfully sheweth : —

1. That a Bill has been introduced for the adoption of Your Honourable House, intituled :—

An Act to amend the Charter of the University established at Toronto by His late Majesty George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the [Upper Canada] College and Grammar School forming an Appendage thereof.

BLIGHTING CHARACTER OF THE ENACTMENTS OF THIS BALDWIN UNIVERSITY BILL OF 1849.

2. That this Bill contains enactments which are, in the humble opinion of Your Memorialist, of the most blighting character, and by no means in accordance with the title, for, instead of being confined to some modification of the Government [of the University], they go to deprive King's College of all the privileges conferred upon it by its Royal Charter of 1827, and apply the Endowments, granted for its support by the Crown, to the establishment of an Institution, wholly different, to be created by the passing of this Bill.

KING'S COLLEGE, IN OPERATION SIX YEARS, NOW SOUGHT TO BE DESTROYED.

3. That King's College, thus sought to be destroyed, with the avowed intention of taking for other purposes the property and estates which it holds under a Royal grant, has been for six years in successful operation under its Charter ; that it is legally incorporated by Letters Patent under the Great Seal of England ; that no ground of forfeiture has been shewn, such as might subject a Corporation, upon a proper legal proceeding, to the loss of its privileges, nor is it even pretended to be in fault ; but it is assumed that Your Honourable House is at liberty to deal, at Your pleasure, with the Constitution and Property of King's College, as if neither the Corporation nor the one-fourth, at least, of the inhabitants of Upper Canada, interested in the objects it was intended to promote, had any rights under it to claim, or protect.

* This was the notable School Bill of 1849, which led to a crisis in the Education Department, as detailed in Chapter XIV of this Volume. See also page 166.

THE PETITIONER HOPES THAT THE GOVERNMENT WILL NOT PRESS THE BILL.

4. That your Petitioner has observed, with extreme regret, that this Measure has been introduced into Your Honourable House with the sanction of the Colonial Government, but Your Petitioner will not yet abandon the hope that they will not persevere in urging enactments to which, he believes, a large majority of the population of Upper Canada are, in principle, opposed, and which they not only consider unwise, but would feel to be unjust.

THE PRETENCES, JUSTIFYING THE INTERFERENCE WITH CORPORATE PRIVILEGES, GROUNDLESS.

5. That the pretences upon which some persons profess to rely for justifying such an interference with corporate privileges and vested rights, which is in its nature and degree unprecedented, are wholly groundless, and can be, in the plainest manner, disproved by the public official Acts and Communications of the Imperial and Colonial Governments; that the power wholly to subvert a Royal Charter granted for such a purpose, and to take from a Corporation its property in the absence of any alleged abuse, has never been assumed by the Imperial Parliament; and that the exercise of such a power by the Colonial Legislature, in this instance, would be inconsistent with that measure of protection which similar Institutions, founded in British Colonies by the same authority, have received from the ruling power, even after the Countries in which they were founded had become foreign to the British Crown;* that it is entirely without reason that the Despatches of the Secretary of State for the Colonies to a former Lieutenant-Governor in Upper Canada (of the 2nd of November, 1831,† and 17th of June, 1835,)‡ have been advanced as a foundation for this further interference with King's College, because, since those Despatches were written, the College has been placed, and is now actually conducted, on the very footing which His late Majesty was pleased to recommend in his Royal Communication of the second of November, 1831, (just referred to),—in which His Majesty stipulated, in the most earnest terms, for the permanent establishment in the College of a Professor of Divinity of the Church of England, declaring it to be a matter of great importance to those of His Majesty's subjects in Upper Canada, who belong to the Church of England, and that His Majesty, as Head of that Church, could not be insensible to the duty which belonged to him of protecting it in all parts of His Dominions.

THE UNIVERSITY BILL CHARACTERIZED AS CUMBERSOME, EXPENSIVE AND UNWIELDY.

6. That the scheme embodied in the Bill introduced to Your Honourable House is cumbersome, expensive and unwieldy, and (is such a one as) has never yet been tried in any part of the world, and must, in practice, create jealousies and distrust, and destroy everything like harmony in the working of the Institution.

THE LEADING FEATURE OF THE BILL IS THE EXPRESS EXCLUSION OF RELIGIOUS TEACHING.

7. Your Petitioner further represents, that the leading feature of the Bill is the express exclusion of all Religious Instruction and Worship, and so jealous do its whole tone and provisions appear, on this important point, that they admit not of the slightest reference to this, the basis of all true education, and even proscribe Clergymen, Ecclesiastics, from any share in its Government. And thus, the men best qualified to gain a living influence over the hearts and minds of the youth are prevented from communicating with them on the most important of all subjects.

INTERDICTION OF RELIGION IN THE UNIVERSITY BILL IS WITHOUT PRECEDENT.

8. That such an utter interdiction of every thing Religious, as this Bill seeks to establish by Legislative enactment, is without precedent among Christian Nations, and can never be submitted to by man really serious, and in earnest. An Institution which drives away all those who, from their living faith, warmth of disposition, and sincerity of purpose, are best qualified to train the young to all that is pure, lovely, and sublime in Religion, and noble in science must become the abhorrence of Christian parents, who can look upon it in no other light than as an infidel College, dead to all sense of religious truth, and unworthy of the blessing of Heaven.

*This question as to the right of a Colonial Legislature to deal with a Royal Charter, by way of amendment, (and so, involving its abrogation), is fully discussed on pages 76,-77, and on pages 201—210 of the Third Volume of this Documentary History.

† A copy of this Despatch will be found on pages 55, 56 of the Second Volume of this History.

‡ A copy of this Despatch is printed on pages 213, 214 of the same (Second) Volume.

THE BILL CHARACTERIZED BY OPPOSITION TO RELIGION, AND ENMITY TO THE CHURCH OF ENGLAND.

9. That this Bill, in its enactments, not only exhibits a striking opposition to Religious truth, but also implies peculiar enmity to the United Church of England and Ireland, while, at the same time, the rights and privileges of the Colleges of other Denominations, which are far more exclusive than the Charter of King's College has ever been, are scrupulously maintained.

BY THIS BILL THE NOBLE ENDOWMENT OF KING'S COLLEGE WILL BE WASTED.

10. Your Petitioner further submits, that should this measure become law, the noble endowment granted by our late Sovereign for the support of King's College will be wasted in the vain attempt to sustain a University upon a system, which enlightened reason and conscience must ever condemn,—which is not sanctioned, by any experience in any age, or Country, nor, as Your Petitioner believes, by the feelings and opinions of any considerable number of those, (of whatever Religious Denominations,) who can best appreciate the object of a University education, and who alone are likely to avail themselves of its advantages for the instruction of their children.

THE CHURCH OF ENGLAND CAN HAVE NO CONNECTION WITH THE PROPOSED UNIVERSITY.

11. That Your Petitioner need scarcely declare to Your Honourable House, that the United Church of England and Ireland can have no connection with such an Institution, for she is bound by her interpretation of Christian truth, as embodied in her Articles and Formularies, to repudiate and reject a System of Education not founded on Religious Principles, and he, therefore, most earnestly entreats Your Honourable House not to sanction a measure which tends wholly to separate the Members of the Church of England from the Provincial University, and to deprive their youth of all the advantages of a Collegiate education, for which the Endowment bestowed by the Crown was intended to provide.

THE ALTERNATIVE OF ENDOWING OTHER COLLEGES PREFERRED TO THIS PROPOSED SCHEME.

12. That Your Petitioner would deplore this sacrifice the more, because he is aware, that, while King's College might be preserved in all its integrity, there are most ample means within the power of Government of endowing Colleges in connection with other Denominations, upon principles which they have all shewn themselves to prefer, or King's College might surrender part of its endowment for the support of a Medical College, on being restored to the position in which it was placed by its original Charter, with such modifications only, as would separate it entirely from anything like political influence, or agitation, might serve, though less efficiently than was at first intended, for the education of the members of the United Church of England and Ireland.

THE PROPOSED SCHEME WILL NOT SETTLE THE PROVINCIAL UNIVERSITY QUESTION.

13. Your Petitioner further represents, that, whatever may be the motives for carrying forward this Measure, it will not settle the University Question, but, on the contrary, will furnish new sources of irritation ; for its provisions do violence to the plainest Constitutional principles, and, by indirectly confining the granting of Degrees to the proposed Institution, the Queen is restrained in the exercise of one of the most unquestionable prerogatives of Her Crown,—a Prerogative of the Sovereign, as the fountain of honour, which has never been meddled with by Parliament, nor has a Minister of the Crown ever been found in England capable of proposing anything so disrespectful to Royalty as that contemplated by this Bill.

PROPOSED REVERSAL OF MOST APPROVED PRINCIPLES OF MENTAL FREEDOM.

14. Your Petitioner submits that the Measure attempts to reverse some of the most approved and cherished principles of the present age, for it desires to establish a most rigid and oppressive monopoly over mind, which, of all things, ought to be the most free ; and to impose on the deluded public a mutilated sort of education, far inferior in quality and character to what may be easily attained, had we in this Province, as in England and Scotland, rival Institutions.

THE PROPOSED LEGISLATION IS IN FAVOUR ONLY OF A FRACTION OF THE POPULATION.

15. Your Petitioner further represents, that the Bill attempts to legislate for a very small fraction of the population of Upper Canada ; to the virtual exclusion of a great majority—from

a Collegiate Education,—a fraction, noisy from ignorance, but altogether disqualified from appreciating the value of sound knowledge, and which has seldom the means, or inclination, to avail itself of respectable seminaries of instruction.

THE VARIOUS RELIGIOUS DENOMINATIONS, HAVING COLLEGES, WILL STAND ALOOF.

16. That not only will the members of the Church of England be virtually excluded from all participation in the proposed College, but the Roman Catholics, also, from the utter proscription of Religion, the substance and marrow of all education, as is declared in their Petition for aid, to their College at Kingston, now before Your Honourable House ; nor is there any good ground for assuming that either the Presbyterians, or Methodists, or any of the other numerous and respectable Religious Denominations, will patronise an Institution where the name of the Saviour is never heard, and those who have Colleges of their own will cling to them more closely than ever, for the Government can offer them nothing so valuable as that which they are requested to give up. Their Charters place them, in honour, by the side of the British Universities ; but, were they so regardless of their own honour and interests as to listen to the invitations of this Bill, they would sink into deserved contempt. Fortunately they have no power to make a surrender of such rights and privileges, for they are not confined to the Officers, or Trustees of their respective Colleges, but belong to all their people. Hence, Your Petitioner infers that, if the Methodists and Presbyterians retain the power of conferring Degrees, the Church of England cannot be long deprived of the same privilege.

THE PROPOSED LEGISLATION REVERSES AN IMPORTANT LEGISLATIVE AXIOM.

17. Your Petitioner most respectfully submits, that the operation of this Measure reverses the received axiom that legislation should be for the benefit of the greatest number.

By the last census, the population of Upper Canada is 721,000. The Church of England, which cannot connect itself with the proposed College, numbers 171 751. The Church of Rome numbers 123,707, which also cannot connect itself with the proposed College. The Wesleyan Methodists number 90,363, and the Kirk of Scotland 67,900,—both of whom do not require the College, —having Colleges of their own ; thus the number who will not profit by the proposed College amounts to 453,721, leaving those to profit by the Measure, 267,279. Even this is too much in favour of the Measure, for the Scottish Free Church, and, Your Petitioner believes, the Congregationalists, disapprove of the principle of excluding Religion from Education, in which case they will soon have Colleges of their own. The Scottish Free Church Members number 64,729, and the Congregationalists 20,372, together 85,101, to be further deducted, leaving those to profit by the proposed College at 182,178 ; but, even from this, must be deducted many Denominations, who disregard Universities, and such knowledge as they impart. Hence, the Bill legislates for less than one fourth of the population, and, as half of these will not use the privilege, the Legislature will, by passing the Measure, sacrifice the feelings and interests of the great majority of the inhabitants of Upper Canada to a small and clamorous fraction.

Your Petitioner further submits that a still more perfect test of the classes which more especially employ Colleges and Seats of Learning would be found by ordering a return of the Students attending such Institutions, and of the Religious Denominations to which their parents respectively belong. This, beyond every other argument, would shew the impolicy of this Bill, and the great injustice which it inflicts.

THE ALLEGED EXAMPLE OF THE IRISH PROVINCIAL COLLEGES DOES NOT MEET OUR CASE.

18. Your Petitioner further represents that the arguments used by some to defend this Measure, on the ground that it is similar to that which was adopted by the Parent State in the formation of certain secular Colleges in Ireland, is altogether fallacious, since, whatever may be thought of the principle there adopted, it did not sacrifice the interests of the National Church, (in Trinity College), as this Measure does. No class could complain of injustice, however much they might deplore the avowed indifference manifested by these Colleges, to the Christian Religion. But the Bill before Your Honourable House not only adopts all that is evil in the Irish measure, but further deprives the Members of the Church of England of their rights and College endowment, and gives to the Bill a revolutionary character.

"WHAT WILL THEY SAY IN ENGLAND" AT THIS INCONSISTENT SPOLIATION ?

19. Your Petitioner begs permission, in all due respect to your Honourable House, to request that it may be considered how the Government and people of England will reason when they learn that the Legislative Assembly in Canada,—a great portion being Roman Catholics and Dissenters,—gave Presbyterians and Methodists Charters, establishing Colleges, and also

pecuniary assistance to a considerable amount, while the same Legislative Body not only deprived the Church of England of the Charter of King's College, granted to her by our late Sovereign, King George the Fourth, but despoiled her of the whole of the Endowment,—the gift of the same Sovereign,—and refused to allow her to retain even the smallest portion of her own property, so as to enable her to educate the youth of her Communion for the different professions, for the continuance of her ministry, and for means to supply vacancies continually happening in that Ministry, and so extend her blessed ordinances to the destitute settlements of the Province.

In fine, from the injustice of this Measure, which seeks to crush the National Church in this Province, and peril her existence, may be seen her imminent danger, and that the most cruel of all oppressions,—that of shackling the mind and withdrawing the means of acquiring a liberal education for their children,—is impending upon more than one fourth of the inhabitants of Upper Canada, and this it would appear. from no other reason, than that they belong to the Established Church of the Empire, which the Sovereign has sworn to maintain inviolate.

From all which, Your Petitioner, with due respect to Your Honourable House, enters his most solemn protest, on behalf of the Church of England, against this Bill and the provisions thereof, as most injurious to her interests, and subversive of her just rights and privileges, as unconstitutional, and pregnant with future evils both to Upper and Lower Canada. All which is most humbly submitted, and Your Petitioner, as in in duty bound, will ever pray.

TORONTO, 13th April, 1849. JOHN TORONTO.

Ordered, That One Thousand Copies of the Petition of the Right Reverend the Lord Bishop of Toronto be printed for the use of the Members of this House.

The Order of the Day for the second reading of the Bill to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and apply the funds arising from the sale thereof towards purchasing a new Site, and erecting a new School House in the Town of L'Original, being read ; The Bill was accordingly read a second time ; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee. The House accordingly resolved itself into the said Committee ; and after some time spent therein, Mr. Speaker having resumed the Chair ; the Chairman of the Committee reported, That the Committee had gone through the Bill, and made amendments thereunto. It was then ordered, that the Report be received to-morrow.

April 17th, 1849. The Chairman of the Committee of the Whole House on the Bill to enable the Trustees of the Ottawa District Grammar School to sell the present School House and purchase a new School Site and erect a new School House in L'Orignal reported the same, with amendments, which were agreed to and the Bill ordered to be engrossed.

April 18th, 1849. An engrossed Bill to enable the Trustrees of the Ottawa District Grammar School to sell the present School House, and apply the funds, arising from the sale thereof, towards purchasing a new site, and erecting a new School House in the Town of L'Original, was read the third time and passed.

Ordered, That Mr. T. H. Johnson do carry the said Bill to the Legislative Council, and desire their concurrence.

Ordered, That the Petition of the Board of Trustees of the University of Queen's College, Kingston, be now read ; and that the Rules of this House be suspended, as regards the same.

The following is a copy of this Petition :—

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF CANADA.

The Petition of the Board of Trustees of the University of Queen's College, Kingston ;

Humbly Sheweth :—That your Petitioners, as the Trustees of one of the Chartered Universities of the Province, have carefully perused the University Bill, lately introduced into Parliament, and, after the most mature consideration, feel themselves compelled to petition Your Honourable House, that the same be not passed into a Law in its present form.

GREAT OBJECTION TO THE EXCLUSION OF RELIGIOUS TEACHING BY THIS BILL.

I. The proposed Bill, by excluding from the proposed University all Religious Teaching and Observances, and requiring not even the Religious Test of the amended Charter of 1837 from its Professors, alienates the Public Endowment from the purposes for which it was set apart, and dissolves the connection which ought always to subsist between Religion and Educa-

tion. When the original appropriation of Crown Lands was made in 1798, it was made by His Most Gracious Majesty, George the Third, for the express purpose of promoting the instruction of youth :

First, by the Establishment of Free Grammar Schools in those Districts in which they were called for, and, in due process of time, by establishing other Seminaries of a Larger and more Comprehensive Nature, for the promotion of Religious and Moral Learning, and the Study of the Arts and Sciences. (*Report of the Select Committee of House of Assembly, 23rd February, 1831.*)*

And the Original Charter of the Institution, recited in the amended Charter, expressly states the object of the establishment of the University to be :—

The education of youth in the principles of the Christain Religion, and their instruction in the various branches of Science and Literature.†

Your Petitioners, therefore, while they acknowledge the constitutional right of Your Honourable House to amend the original Charter of King's College, so as to promote the objects for which the original Endowment was made, respectfully submit that that Endowment cannot be diverted from the great ends for which it was evidently and expressly appropriated.

The King's Intention in making the original Grant was the founding of Several "Seminaries of a larger and more comprehensive nature."

II. It appears, also, from the original terms already quoted, in which His Majesty George the Third assented to the proposal for the public endowment for educational purposes of a higher kind, that He did so with the view of the endowment, not of one, but of several "Seminaries of a larger and more comprehensive nature,"‡ after the Grammar Schools had been erected and put in operation. And, although Your Petitioners were, at one time, in favour of the plan of concentration, the increasing population and other circumstances in the state of the Country, and a more mature consideration of the whole subject, have led to a change of this opinion ; and they have very great doubts whether the plan of concentrating all the means of University education in one particular locality be the best adapted for promoting the interests of education, or inducing the attendance of students.

The Example of other Countries is against the establishment of but one University.

III. In other Countries, as, for example, Great Britain, and in the States of New England, it has been invariably found that these have been best promoted by Universities being placed at different localities ; and, it may be justly expected, that several properly Endowed Colleges, placed in various parts of the Province, will call forth the attendance of double, or treble, the number of students that one solitary University would do. Your Petitioners cannot regard it as just, or desirable, that the inhabitants of every other section of the Country should be subjected to the great inconvenience and expense of sending their sons to Toronto,—"many hundred miles from the tender care and watchful authority of their parents ;"—(See Report of Select Committee of House of Assembly of 1831 above referred to,)—as well as without any provision for their Religious superintendence, or instruction.

A Further Objection to but one University in Upper Canada.

IV. It seems also to Your Petitioners a serious objection to concentrating the means of University education in one particular locality,—that no generous rivalry is provided for, between kindred Institutions. Although some may think that a rich Endowment ensures efficiency, Your Petitioners are of opinion that such is not the case ; that a richly endowed Body, monopolizing the education of a Country, is very seldom, if ever, efficient for the purposes in view,—that such a Body, without rivalry, wholly independent of public opinion, or confidence, for its support, is apt to become inactive, and indifferent, and careless about adopting improvements, and that nothing is more conducive to excellence than the rivalry of different Institutions, each exciting the other to new exertions, and striving, by efficiency and zeal, to merit the confidence of the Country.

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* This Report is printed on pages 21-23 of the Second Volume of this Documentary History. For a copy of the Duke of Portland's Despatch, here referred to, see page 17 of the First Volume of this History.

† A copy of the Provincial Act amending the Charter of King's College will be found on pages 88, 89 of the Third Volume of this Documentary History.

‡ This same view was held by the Reverend Doctor Ryerson, as will be seen by reference to his remarks on the subject on page 44 of the Seventh Volume of this History. See also page 43 of the same Volume.

OBJECTION TO CONCENTRATING GRAMMAR SCHOOL INSTRUCTION AT TORONTO.

V. It appears, moreover, to Your Petitioners, that the same objection applies to the plan of concentrating all the means of a Higher Grammar School instruction at Toronto, which they believe to be alike contrary to the original object of the appropriation of the School Lands in 1791 for the erection and endowment of Superior Grammar Schools, in different parts of the Province, and unjust to the educational interests of other sections of the Country.

QUEEN'S UNIVERSITY WILL NOT CONSENT TO SURRENDER HER UNIVERSITY POWERS.

VI. With respect to other Chartered Institutions surrendering their right of conferring Degrees in the Arts and Faculties, except Divinity, which the Measure contemplates, Your Petitioners can never, for the reasons above stated, or in any circumstances whatever, consent to surrender the University powers and privileges conferred at Queen's College, by Her Majesty's Royal Letters Patent, powers and privileges which are enjoyed by very few Institutions in the British dominions.

VII. May it, therefore, please Your Honourable House, for the reasons above stated, not to pass into a law the University Bill lately introduced, but to adopt such measures as shall seem in Your wisdom best fitted to settle, on a right and equitable basis, the long agitated question regarding the Public University Endowment, and such as shall be most advantageous to the Educational interests of the country. And Your Petitioners will ever pray.

Witness our Corporate Seal at Kingston, this fourteenth day of April, in the year of Our Lord one thousand eight hundred and forty-nine.

By order of the Board of Trustees of Queen's College University,

(Seal) F. A. HARPER, Chairman.

KINGSTON, 18th April, 1849.

This Petition of the Trustees of Queen's College prayeth that the University Bill be not passed into law, but that measures be adopted for the settlement, upon a right and equitable basis, of the question regarding the public University endowment.

Ordered, That the Petition of the Board of Trustees of the University of Queen's College, Kingston, be printed for the use of the Members of this House.

April 23rd, 1849. The Petition of the Reverend Benjamin Davies, A.M., Ph.D., of the University of Leipsic, Chairman of the Executive Committee of the Canada Baptist Union, on behalf of the said Committee, on the subject of King's College, was read, and the same was ordered to be printed for the use of the Members of this House.

April 24th, 1849. A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery was received, stating that the Legislative Council has passed the following Bill, without amendment:

An Act to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and apply the funds arising from the sale thereof towards purchasing a new Site and erecting a new School House in the Town of L'Original.

PETITION OF THE COUNCIL OF KING'S COLLEGE, IN FAVOUR OF THE UNIVERSITY BILL OF 1849.

May 2nd, 1849. The following Petition of the Council of the University of King's College, established at York, (now Toronto,) was brought up by the Honourable Attorney General Baldwin, and laid on the Table.*

May 4th, 1849. The Petition of the Council of the University of King's College, established at York, (now Toronto,) praying for the passing of the Bill "to demand the Charter of the University of Toronto," with certain alterations, was read as follows:—

* The whole tenor and character of this Petition differ widely from all similar utterances on the University Question on the part of the King's College Council, and especially from the views and opinions invariably expressed by Bishop Strachan on the subject. This will be seen to be so in a marked degree, by comparing the wording of this Petition of the King's College Council in favour of the Baldwin Bill now, (in 1849,) before the House of Assembly, and the strong words in the Petition of Bishop Strachan against the same Bill, on pages 123-127 of this Chapter. How this divergence between the former dominant opinion of the College Council on this subject and its present utterance, arose does not appear; although it was clearly foreshadowed in the act of that Council in opposing the scheme of University settlement, as agreed upon between Bishop Strachan and the Honourable John A. Macdonald, as set forth on pages 39-41 of the Seventh Volume of this Documentary History. In the Proceedings of the King's College Council, the particulars are given of the circumstances under which the Petition of the Council, in favour of the Baldwin Bill of 1849, was drafted and adopted by that Council. These "Proceedings" of the Council are given in Chapter X, pages 187-204 of this Volume. In regard to the Petition, see pages 193 and 195, 196.

To the Honourable, the House of Assembly of the Province of Canada :

The Petition of the University of King's College Council, Toronto,

Humbly Sheweth : 1. That in the eighth year of the Reign of His late Majesty King George IV, (1827), the University of King's College was established at York, now Toronto, and its Constitution and Privileges were declared by a Royal Charter.

The Original University Endowment was intended for the Benefit of all Classes.

2. That your Petitioners can find no ground for believing that the establishment of this University was intended as a boon to any particular section of the inhabitants of this Province : on the contrary, they fully believe that it was meant for the benefit of all classes and denominations of His Majesty's subjects, resident in Upper Canada.

3. That by the provisions of the above mentioned Charter, all participation in the control and management of the Institution was restricted to one Religious Denomination of Christians, giving to the University a character of exclusiveness, alike unsuited to the objects of its foundation, and the circumstances under which it was to be carried into operation.

Baneful Effects of the departure for the original intention of the King.

4. Your Petitioners are fully impressed with the fact that the exclusive privileges and distinctions conferred by that Charter upon this favoured Religious Denomination, could not be enjoyed without serious injury, both to the feelings and interests of the great majority of the Canadian people.

5. That, immediately upon the promulgation of the Charter of 1827, the loudest dissatisfaction was expressed throughout the entire Province, both with its character and provisions : and strenuous efforts were made without delay by petition, and otherwise, to procure its alteration.

The Home and Colonial Governments desired to "Meet the Wishes of the People."

6. That your Petitioners find in the numerous Dispatches and official Communications which the remonstrances of the Province called forth, as well as in the contemporaneous debates upon this subject in the British House of Commons, the clearest proof of a desire upon the part both of the Home and Provincial Government to meet the wishes of the great majority of the Canadian people upon this subject, and to mould the University, so as to confer equal benefits, and to command equal confidence from all classes and Denominations of that people ; but the opposition of the College Council was found a sufficient barrier to the efforts and wishes of all parties interested in the settlement of this Question ; and Sir John Colborne was compelled as a last resource, in effect, to suspend the Charter, by preventing the Institution going into operation under its provisions.*

Reply of King's College Council to a request for a Surrender of the Charter.

7. That in the year 1831, while the operations of the Charter were so suspended, His Excellency Sir John Colborne, upon the authority of a Dispatch from the Colonial Secretary once more pressed upon the Council of King's College the expediency of surrendering the obnoxious Charter, in order that a more popular one might be substituted ; and, in their reply, signed by Doctor Strachan, the Archdeacon of York, as President, which was printed and laid before your Honourable House in 1846, the Council, after calling attention to the fact of their being a mere temporary Body, and including no Member of the Corporation, excepting the Chancellor and President, and after expressing doubts, in consequence of this fact, as to their powers, declared their readiness, if this point could be got over, to surrender the Charter upon terms, and to give their best aid in effecting certain amendments, the expediency of some of which they admitted, and, in others, of which they were willing to concur, as a concession to the views and suggestions of the Government.†

Surrender of Charter the reasonable basis of Legislation on that Charter.

8. Your Petitioners submit, that an important admission is established by this Document,—namely, the expediency of abandoning the ground of strict legal right, and yielding to the

* On this subject, see pages 54-56 of the Second Volume of this Documentary History.

† The Reply of King's College Council to the request of the Home Government that the Charter of the College of 1827 be surrendered is printed *in extenso* on pages 32-37 of the Third Volume of this History. See also page 87 of the same.

expression of Public opinion, conveyed through the medium of the Government of the day. Your Petitioners further show, that the amendments then proposed by the College Council were not deemed sufficient; and the University remained in abeyance until 1837, when a Statute of the Provincial Legislature was passed amending the Charter, and that this Statute was sanctioned by the Representatives of the Crown in this Province without being reserved, thus affording, as your Petitioners submit, the most convincing additional proof of a desire upon the part of the Crown, so often previously expressed, that this very important local question should be settled by the Colonists themselves.*

FAILURE OF THE COUNCIL TO GIVE PRACTICAL EFFECT TO THE AMENDED CHARTER OF 1837.

9. Your Petitioners submit that the Charter, thus amended, has unfortunately failed to give satisfaction to any party, or to produce the effect which the people of this Province had proposed to themselves.—namely, the establishment of a Provincial Educational Institution, which would command the confidence if not of all, at least of the greatest possible number of the People, and your Petitioners further respectfully submit, that the gracious invitation of the Crown to the people of Canada, so often made previous to 1837, may be treated as still open; and, in support of this idea, they beg leave to refer to the various pledges of the several Representatives of the Crown in Canada, since given, that this subject should be again submitted to the local Legislature, pledges in which your Petitioners have every reason to believe, those distinguished Individuals were sincere in giving, and to which they never would have lent the sanction of their names, without the authority of the Sovereign.

10. Your Petitioners respectfully beg to submit, that, by a Report of the College Council dated 24th March, 1846, signed by the Lord Bishop of Toronto, and which report was printed among others, and laid before your Honourable House in the month of May following, the Council express their dissatisfaction with the amendments of 1837, and, after pointing out some material changes, which had taken place in the circumstances of the Province, after the passing of those amendments, and which, in their judgement, called for further alterations in the Charter, they submit that:

From these, and other considerations, the Council would most respectfully recommend that the Provincial Statute 7th William IV, Chapter 16, be repealed, and that the following amendments of the Royal original Charter be embodied in a New Charter to be issued by the Crown.†

The Report then goes on to suggest, that the Chancellor should be chosen by Convocation,—that the appointment of the Professors should be withdrawn from the Governor General, and that many other important alterations, should be made; and the Report concludes these suggestions with these words:—

The Council have thus, after much consideration, laid before your Excellency their views on the present state of their Charter, as amended by the Statute of Upper Canada, 7th William IV, Chapter 16, as well as the alterations which they think might, with advantage, be introduced into a New Royal Charter, and in effecting which they will cheerfully give any aid in their power.

In another part of the same Report, the Council intimates a disposition to solicit a Commission whose duty it might be:

To enquire into the Constitution and Management of similar Institutions, regarding which they might procure authentic information, and devise a system accommodated to the particular circumstances of this Province.

And, upon this head, the Report contains the following words:

Should your Excellency incline to the appointment of such a commission, as has been suggested, the College Council would willingly surrender their own opinions, and suggestions to its guidance and decision, because they feel convinced that aided by its report, a Royal Charter might be framed to meet every difficulty.‡

11. As a further proof of the little satisfaction produced, even among the Members of the Corporation itself, by the amendments of 1837, your Petitioners beg leave to refer also to another Report of the College Council bearing date 28th May, 1845, and which was printed and submitted to your Honourable House upon the 7th May 1846, in which the following passage will be found:

At present, the only object for which it seems expedient to invite the action of the Legislature is to repeal the Act of 1837 the provisions of which are not only seriously injurious to the University, but seem to have produced general dissatisfaction throughout the Province, among both the friends and enemies of the original Charter.§

* The Act of 1837, amending the Charter of King's College will be found on pages 88, 89 of the Third Volume of this Documentary History.

†This Report is printed on pages 81-86 of the Sixth Volume of this History. The Bishop also addressed a semi-private Letter to the Governor General, as a supplement to the Report. See pages 86-92 of the same Volume.

‡ *Ibid*, page 85.

§ See pages 43-45 of the Sixth Volume of this History.

From these Reports your Petitioners submit, that it clearly appears, that the working of the Institution, under the amended Charter, did not meet the expectations of its governing body, and, that they were ready, not only to submit to further changes, if previously approved by them, but to take the initiative in the suggestion of most material alterations.

KING'S COLLEGE IS NOT NOW ACCEPTABLE TO MANY ADHERENTS OF THE CHURCH OF ENGLAND.

12. Your Petitioners also beg leave to submit that the University, as it exists, does not enjoy the full confidence of that Denomination which is regarded by many, as monopolizing its its advantages, and, in proof thereof, Your Petitioners crave to refer to a Circular Letter of the Lord Bishop of Toronto, addressed to his Clergy, published in *The Church* News-paper upon the 1st day of January, 1847, in which his Lordship declares that all candidates for Holy Orders in his Diocese after they have completed their theological studies at King's College, shall pass a year, or more at his Lordship's Theological Institution in Cobourg, in order to complete their qualifications, and that a Compendium of Divinity would be prepared for their studies there.

RESULT OF AN EXAMINATION OF THE DRAPER AND MACDONALD UNIVERSITY BILLS OF 1845-1847

13. Deeply impressed with the dissatisfaction thus found prevailing among all classes of the Community upon the subject of the University, and feeling that its adaptation to the circumstances and wishes of the Province was a matter of the greatest importance to all parties. Your Petitioners have anxiously examined the character and provisions of the various Measures heretofore, from time to time, proposed for remedying the evils complained of. But your Petitioners felt in conscience bound to dissent from those Measures.

The proposed partition of the University Endowment, in the judgment of Your Petitioners involved the wanton sacrifice of a great Provincial Institution, and the abandonment of all the objects and intentions of the Royal Founders; while the proposition to make the University the center of a number of Denominational Halls, or Colleges, and give to it the power of conferring Degrees in Divinity upon persons of all Creeds and Denominations, seemed to your Petitioners an idea, not less calculated to cover the Institution with ridicule and contempt, than to perpetuate jealousies and strife.

CORDIAL CONCURRENCE IN THE GENERAL PRINCIPLES OF THE BALDWIN UNIVERSITY BILL OF 1849

14. Your Petitioners have also most carefully and anxiously considered the Measure now before Your Honourable House, and have endeavored to test its soundness by the experience of the last six years; and your Petitioners feel bound to express their cordial concurrence in the general principles of that Measure.

They must however add, that some of the provisions proposed seem to them capable of improvement; and, upon this head, they have deemed it their duty to submit several suggestions to Her Majesty's Attorney General, who has introduced this Bill, into Your Honourable House, feeling fully satisfied that those suggestions will receive the best consideration of that Minister, and will be submitted in due course to your judgment.

REGRET THAT OFFICIATING ECCLESIASTICS ARE, BY THE BILL, EXCLUDED FROM OFFICE.

15. In expressing their opinion, however, your Petitioners cannot abstain from adding an expression of their deep regret, at the necessity of excluding, at least all officiating Ecclesiastics from any of the offices contemplated, or created, by the proposed Measure; but, in the expediency of such exclusion, they fully concur—believing it to be indispensable, as society is constituted in this Province, to ensure for the University harmonious working and popular confidence.

Influenced by the above motives, Your Petitioners respectfully pray, that Your Honourable House will be pleased, in the course of the present Session, to pass the Measure introduced by the Attorney General, with such alterations therein to meet the views of your Petitioners as may be pleasing to Your Honourable House or such other Measure to the like effect, embodying the same general principles, as Your Honourable House shall deem fit, and to take such further steps as Your Honourable House shall hold expedient, for the purpose of procuring a new Royal Charter, embodying the same, thereby rendering the proposed amendments permanent, and finally settling the University upon a firm basis. And Your Petitioners, as in duty bound, will ever pray.

(Seal) J. McC., Pr.

TORONTO, 25th of April, 1849. HENRY BOYS, Registrar.

May 7th, 1849. The following Petitions were read : 1. Of the Reverend Walter Stennett, M.A., and others, Students in the Faculty of Divinity in the University of King's College, praying that power be continued to the said University of conferring Degrees in Divinity ; 2. Of the Reverend James Beaven, D.D., and Senior Member of the Council of King's College, next after the President, praying for the amendment of the proposed University Bill, so as to recognize Elementary Christian Instruction as a necessary part of Education.

Ordered that this latter Petition be printed for the use of the Members of this House.

May 9th, 1849. On motion of the Honourable James H. Price, seconded by the Honourable William H. Merritt and,

Resolved, That the following humble Address be presented to His Excellency the Governor General :—

To His Excellency the Right Honourable James Earl of Elgin and Kincardine, Governor General of British North America, etcetera :

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Assembly of the Province of Canada, in Provincial Parliament assembled, beg leave to inform Your Excellency, that we have, during the present Session, passed a Bill, intituled, :

" An Act to raise an income of One Hundred Thousand pounds, (£100,000,) of the Public Lands of Canada for Common School Education ;

Which Bill contains clauses relating to and affecting Her Majesty's prerogative, touching the granting of Waste Lands of the Crown within the said Province ; and we, therefore, pray that, in order to give effect to the said Bill, Your Excellency will be pleased to cause it to be transmitted to England without delay, for the purpose of being laid before Parliament, previously to the signification of Her Majesty's assent thereto.

Ordered, That the said Address be communicated, by Message, to the Honourable the Legislative Council, requesting the concurrence of their Honours thereto, and that the Honourable James H. Price do carry the said Message to the Legislative Council.

May 10th, 1849. The Order of the Day for the second reading of the Bill for the Better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act of 1846, [and of 1847] being read, it was Ordered, That the Bill be read a second time to-morrow.

A Message from the Legislative Council was received and read as follows :

Mr. SPEAKER,

The Legislative Council acquaint this House, that their Honours have agreed to the Address to His Excellency the Governor General, on the subject of the Bill passed during the Session, intituled : " An Act to raise an income of One Hundred Thousand pounds out of the Public Lands of Canada, for Common School Education," by filling up the blank with " Legislative Council and the."

LEGISLATIVE COUNCIL, 10th of May, 1849. PETER MCGILL, Speaker.

May 11th, 1849. The Order of the Day for the second reading of the Bill to amend the Charter of the University established at Toronto, by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof, being read ;

The Honourable Attorney General Baldwin moved, seconded by Mr. John Wetenhall, and the question being proposed : That the Bill be now read a second time ; The Honourable Henry Sherwood moved in amendment to the question, seconded by Mr. William H. Boulton : That all the words after " That " be left out, and the words : " the second reading of the said Bill be postponed till after the Report of the Commissioners appointed to investigate and report upon the State of the University of King's College, is made and laid before this House," added instead thereof ; and the Question being put on the Amendment ; the House divided : and the names being called for they were taken down as follows :—

YEAS.—Messieurs W. Bidgley, W. H. Boulton, J. P. Crysler, J. A. Macdonald, Sir Allan N. Macnab, L. J. Papineau, W. B. Robinson, B. Seymour, G. Sherwood, H. Sherwood, and H. Smith—11.

NAYS.—Messieurs D. M. Armstrong, Attorney General R. Baldwin, P. Beaubien, R. Bell, Solicitor General W. H. Blake, H. J. Boulton, T. Boutillier, R Burritt, M. Cameron, G. E. Cartier, J. Chabot, P, J. O. Chauveau, R. Christie, P. Davignon. J. DeWitt, A. J. Fergusson, B. Flint, T. Fortier, C. F. Fournier, A. T. Galt, L, Guillet, J. Hall, F. Hincks, B. Holmes, A.

Jobin, T. H. Johnson, Attorney General L. H. La Fontaine, J. Laurin, F. Lemieux, G. B. Lyon, E. Malloch, P. C. Marquis, J. McConnell, D. McFarland, W. H. Merritt, F. X. Methot, J. B. Mongenais, J. C. Morrison, W. Nelson, W. Notman, A. Polette, J. H. Price, W. B. Richards, T. Sauvageau, J. Scott, J. Smith, H. Smith, J. C. Taché, D. Thompson, and J. Wetenhall—50. So it passed in the negative. And the Question being again proposed, That the Bill be now read a second time;

Mr. William H. Boulton moved in amendment to the Question, seconded by Sir Allan N. Macnab, That all the words after "That" be left out, and the words: "Inasmuch, as the said Bill is the first attempt that has been made in this Province to adopt the principle of separating Religion from Literary and Scientific Education, and as all Charters to Literary Institutions in this Province recognize an opposite principle, and have provided in each of the Universities of Regiopolis, Queen's, and Victoria Colleges, that Religion shall be combined with Scientific and Literary Education, the said Bill be read a second time, this day six months, with the view of enabling the people of Canada to consider the introduction of such a principle in Legislation, fraught with consequences so important to themselves to future generations" added instead thereto; and the Question being put on the amendment: the House divided; and the names being called for, they were taken down, as follows:—

Yeas.—Messieurs W. H. Boulton and W. B. Robinson.—2.

Nays.—Messieurs D. M. Armstrong, Attorney General R. Baldwin, P. Beaubien, R. Bell, Solicitor General W. H. Blake, H. J. Boulton, T. Boutillier, R. Burritt, M. Cameron, J. Cauchon, G. E. Fortier, J. Chabot, P. J. O. Chauveau, P. Davignon, J. DeWitt, N. Dumas, A. J. Fergusson, B. Flint, T. Fortier, Fourquin, A. T. Galt L. Guillet, J. Hali F. Hincks, A. Jobin, T. H. Johnson, J. Laurin, F. Lemieu, G. B. Lyon, P. C. Marquis, J. McConnell, D. McFarlane, F. X. Method, J. C. Morrison, W. Notman, L. J. Papineau, J. H. Price, J. Scott, H Smith, J. C. Taché, D. Thompson and J. Wetenhall.—42; So it passed in the Negative.

Then the main Question being put, the House divided; and the names being called for, they were taken down as follows:—

Yeas.—Messieurs Armstrong, Baldwin, Beaubien, Bell, Blake, H. J. Boulton, Boutillier, Burritt, M. Cameron, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Dumas, Fergusson, Flint, Fortier, Fourquin, Galt, Guillet, Hall, Hincks, Jobin, Johnson, Laurin, Lemieux, Lyon, Marquis, McConnell, McFarland, Methot, Morrison, Notman, Papineau, Price, J. Scott, H. Smith, Taché, Thompson, and Wetenhall.—42.

Nays.—Messieurs W. H. Boulton and W. B. Robinson —2. So it was resolved in the affirmative.

The Bill was accordingly read a second time: and committed to a Committee of the Whole House.

Mr. W. H. Boulton moved, seconded by the Honourable W. B. Robinson, and the Question being put, That it be an Instruction to the said Committee, to amend the said Bill by inserting therein such provisions as may be necessary to secure in the said University the permanent establishment therein of a Professor of Divinity of the Church of England, in conformity with Lord Goderich's Despatch, on that subject, bearing date 2nd November, 1831:*

The House divided; and the names being called for, they were taken down, as follows:—

Yeas.—Messieurs W. H. Boulton and W. B. Robinson.—2.

Nays.—Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, H. J. Boulton, Boutillier, Burritt, M. Cameron, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Dumas, Fergusson, Flint, Fortier, Fourquin, Galt, Guillet, Hall, Hincks, Jobin, Johnston, Laurin, Lemieux, Lyon, Marquis, McConnell, McFarland, Methot, Morrison, Notman, Papineau, Price, J. Scott, H. Smith, Taché, Thompson, and Wetenhall.—42. So it passed in the negative.

Mr. W. H. Boulton, of Toronto, moved, seconded by the Honourable W. B. Robinson, and the Question being put, That, inasmuch as the said Bill does not propose to deprive the Roman Catholics, Presbyterians, and Methodists, or any of them, of their Chartered Institutions wherein Religion is recognized and provision is made for educating their respective youth in the Faculty of Divinity, and, as the said Bill, thus professing to amend the Charter of King's College, is a mere pretext for depriving it of its Endowment, it be an Instruction to the said Committee to amend the said Bill by restoring the original Charter of King's College, and thus placing it upon an equal footing with the above Denominations, and giving to King's College the Site and Grounds at Toronto already partially built on, or such other Endowment as may be deemed expedient, or placing it upon an equal footing with the Denominations above mentioned.

The House divided: and the names being called for, they were taken down as in the last preceding division. So it passed in the negative.

* Printed on pages 55, 56 of the Second Volume of this Documentary History.

Mr. W. H. Boulton, of Toronto, moved, seconded by the Honourable W. B. Robinson, and the Question being put, That, inasmuch as the appropriation of Crown Lands made by His late Most Gracious Majesty George the Third, and granted to King's College, was "for the promotion of Religious and Moral Learning, and the promotion of the Arts and Sciences," and, as its appropriation for such objects was fully recognized by the Parliament of Upper Canada, in the amended Charter of King's College, it be an Instruction to the said Committee, to amend the said Bill, so as to provide as well for the Religious and Moral learning of the youth of this Province, as for the study of the Arts and Sciences, as it is only by the education of a people in the sound principles of the Christian Religion, that happiness and good government can be secured to a country ;

The House divided : and the names being called for, they were taken down as in the last preceding division. So it passed in the negative.

Resolved, That this House will immediately resolve itself into the said Committee. The House accordingly resolved itself into the said Committee.

Mr. P. J. O. Chauveau took the chair of the Committee ; and after some time spent therein Mr. Speaker resumed the Chair ; and Mr. Chauveau reported, That the Committee had made some progress, and directed him to move for leave to sit again. Leave granted.

Explanatory Speech of Mr. Attorney General Baldwin, in Moving the Adoption of His University Bill of 1849.

Mr. Baldwin, in moving that the Bill to amend the Charter of the University of King's College be read a second time, said, that the subject had so long engaged the attention of the Province, and more particularly those of Upper Canada, and had been so often discussed, that he did not think it necessary to enter into any details as to the earlier history of the University, and the questions which had been agitated in connection with it ; more especially as it was almost impossible that any man who had resided in the Country for the last fifteen years, who had paid the least attention to public affairs, and could remain unacquainted with the matter, in all its bearings.

Many attempts had been made to settle the question which had agitated the Province, in reference to it, during the few last years. The last three Administrations have all of them had the subject under consideration. All of them had admitted the necessity of legislation on the subject, and he thought it would be absurd for anyone at this period, to say that there was no ground for legislation. And the present was a time, above all others, when he thought they would be able to legislate upon it in a satisfactory manner from the concentration of the public mind upon the question, and from the fact, that, while on former occasions, the heads of the Institution had strongly protested against any legislation they now admitted the necessity of it ; and a great many persons who were opposed to the principle of the Bill, now before the House, also admitted that any change was preferable to allowing things to remain in the condition they now were ; for nothing could be more injurious to the best interests of the Institution than continued agitation ; as to its character and constitution ; it weakened the Institution, and destroyed public faith in it. The necessity for legislation being obvious, it appeared to him that no time could be more opportune for settling the question in such a manner as,—if it would not please the whole people of the Province,—it would, at least, please a very great majority of them.

Many Diverse Classes of People in Upper Canada to be considered.

The people of Upper Canada were divided into a very large number of Religous Sects and Denominations, and anything which tended to, or even had the appearance of, giving any one Denomination a superiority over the others, would be distasteful to the great majority of the people ; and, therefore, however desirous he might be that the Church, to which he belonged, should have a Chair of Divinity in the University, he felt that it would be both injurious to that Church and to the University, and, therefore, he was against any Chair of Divinity being established in the University. In declaring that there should be no Theological Chair established, it did not, necessarily, follow that the education which would be received at the University would be an irreligious one. If he thought that this Measure would have the effect of injuring the cause of true Religion, he never would have introduced it, but he was satisfied that it would not have such an effect ; and he believed that the Church, to which he belonged, would not be at all injured by the Measure. He believed it did not need to be afraid of standing in the same position as other Religous Denominations ; and he thought that, by depriving it of any preference it possessed,—by relieving it from the invidious position in which it was placed,—he was conferring upon it the best service in his power. He believed that he was now performing the part of a good citizen, and that of a godson of the Church, in bringing forward the Measure now before the House.

The honourable gentleman then went on to speak of the manner in which education had been conducted in Universities in Europe. There were two systems, he said, which had been generally adopted—the Collegiate and Professorial,—the latter of which he believed to be best, and had introduced it into the Bill, and this constituted the main difference between the present Bill and the Bill which he proposed in 1843. A most important point in such a Measure as the present one, was to give the Institution such a Charter as would prevent the possibility of its ever becoming a kind of close borough : and the provisions of the Bill, he thought, were so framed, that, while it did not deprive those who were interested in the system of education pursued from having sufficient power, it provided for such an amount of exterval influence as would keep the system pursued in unison with the spirit of the age. By this Bill, the power of management was invested in the Senate, which would be composed of all the Professors, and of a certain number of Members sent from other Educational Institutions in existence, or which might hereafter be established in the Province : and, in order, that there might be a set-off against persons thus sent who would be of a clerical character, there would be an equal number of persons nominated by the Crown. He thought that by those provisions these most interested in the Institution, and in the prosperity of the Educational Institutions of the Country would be satisfied and the main body of the people, would be represented, and the University would thus be prevented from suffering from the want of knowledge in the persons intrusted with its management as to the system of education which would be pursued ; while the system would, on the other hand, be kept in accord with the public feeling through the means of its extra-mural Members.

Provisions were also made in the Bill for the regulation of its financial affairs, and to prevent any of the University Endowment being touched, as there was a provision in the Bill prohibiting the spending of more than the annual income of the University.

The honourable gentleman, after commenting on some other of the provisions of the Bill, concluded by saying that several amendments had been suggested from different parties, which he had duly considered, and would have no difficulty in agreeing to them ; and that with regard to the representations of the Masters of Upper Canada College, he would be happy to meet their views with respect to the composition of the Council. He did not believe that it would be an improvement if more of the Council were taken from outside the walls of the Institution.

The Honourable Henry J. Boulton on the Baldwin University Bill of 1849.

Mr. H. J. Boulton was happy to hear many of the remarks of the Attorney General West. The question was one of the greatest importance which ever came before the Legislature, and one which should be approached, without any sectarian, or party, feeling, and with a desire to make the Measure as efficient and perfect, as it was possible to make it, and to make an Institution which would be free from any Religious, or Sectarian, characteristics.

They had a large Endowment, and he was glad to see, that the Bill prevented the Capital from being touched, which was sufficient to nourish a large Institution, and he thought that their first object should be, to get the best Masters which the world could produce. On the Masters, or Professors, everything would depend. Harrow and Rugby and many of the other great Public English Schools, derived their celebrity, not so much from the rules, or from the course of studies pursued there, as from the character of the persons who were at the head of them. It was the worth of Arnold that gave Rugby its high character ; and, take Harrow, in the days of Parr, and where could they find a more popular, or celebrated, School ; and, therefore, he, (Mr. Boulton,) was of opinion, that the success of the University would depend, not so much upon its Rules as upon the talents and characters of the persons placed over it, and how were they to obtain such persons as Professors, or Teachers ? By throwing open to the whole world the high prize of being placed at the Head of such an Institution, and by giving time to the people of England, or to Americans, to come here and place themselves amongst us, if they were so disposed, and, in a few years, if they had men of ability and learning, accustomed to instruction, at the head of the Institution, they would have plenty of young men, brought up at the University, who would be able to fill any situation.

Mr. Boulton then went on to refer to a gentleman of great learning and acquirements (Mr. Potter) who filled the office of Professor of Mathematics in King's College, who had been obliged to yield up his office, from some political cause. It was to guard against such things, that he was desirous of having some modifications made to the plan of appointing Professors. He did not mean to say, that the Government was not the proper authority to appoint Professors, or that it should not have some power in their appointment ; but it should be under such restrictions as would not be in its power to make them political appointments. He wanted to see every Professor appointed from the sole consideration of his worth as a good teacher, without reference to his politics, religion, or origin. He wanted to get the best men, that could be got for Professors, and he, therefore, hoped that the Attorney General would modify his Bill, so as to secure the Institution against the undue influence of casual politics.

The Bill proposed that certain Colleges should send Members to the Senate. Mr. Baldwin had said that it was his object to make the University free from sectarian influence. The parties sent from the other Colleges would belong to certain Religious Denominations, and how was it possible for six persons, probably clergymen, belonging to six Denominations, each of them believing their own views to be correct, to get on harmoniously in such an Institution? and how would such persons attain a sufficient knowledge of the University so as to enable them to decide properly on the questions coming before them, when they probably would reside at a distance from the University? They would generally be found either lending their support to parties better acquainted with the Universities, without troubling themselves as to the merits of the question brought under their notice, or opposing measures thought necessary by the Professors, who would be much better qualified to judge of any matter, because they conflicted with some of their own views of prejudice. He thought that it would be far better if the Members of the Senate were selected from among the Members of the University, who would have a deep interest in the prosperity of the Institution. He saw no objection to the financial affairs of the University being managed by persons residing abroad; but when they came to the subject of Education, he thought, it should only be managed by persons interested in the University,—intimately well acquainted with the subject, and well qualified.

Then, to take another view of the case,—there were some twenty-five, or thirty, Religious Bodies in the country, and, if they gave six Denominations a right to appoint a Member each of the Senate, they would deprive the other Denominations of an equal share in the government of the University, which was unjust, and would be complained of; he thought it would be better, if they were elected by the Members of the University. There was no doubt that, if the University was free to all, it would soon comprehend persons belonging to every Religious Denomination, and then there would be no doubt, that there would be persons elected, holding different Creeds, and different Denominations would have a fair voice in the management of the University. The honourable Gentleman intimated, that he should move certain amendments, (which he read,) when the Bill went into Committee of the Whole:

MESSIEURS W. H. BOULTON, F. HINCKS, W. B. ROBINSON AND I. H. PRICE ON THE UNIVERSITY BILL.

Mr. William H. Boulton held, that the Church of England was, by the Bill; dispoiled of her heritage in the Endowment of King's College. . . Mr. Henry Sherwood differed with his friend on this question. Chief Justice Marshall, of the United States Supreme Court held that, while a Legislature could not deal with private benefactions, it could do so with public endowments of Public Institutions.

The Honourable Francis Hincks held that change was necessary. He had been pledged not to interfere with the Endowment. The majority of the House and of Upper Canada, were against dividing the Endowment. Whether or not, it had been, through gross mismanagement, squandered, now taking the most favourable view of it, it was not more than sufficient to endow the University. He would rather see the old Charter remain, much as he was opposed to sectarian education, than see the Endowment divided and frittered away. He believed that the youth of the great mass of the people of Upper Canada would resort to the University, if all objections were removed. Mr. Sherwood had tried to show that the principle of the present Bill of Mr. Baldwin was different from that of the same gentlemens of 1843. There was this difference—that the former bill contemplated having several Theological Chairs; but both provided that they should not be paid for out of the funds of King's College. His friend had gone on to argue, that having these Religious Chairs did not in the slightest interfere with the question of Religion; it only amounted to a matter of form. He had told them, in one breath, that this Measure would not be popular in Upper Canada, and in the next that his honourable friend, Mr. Baldwin, had introduced it contrary to his conscience, for the purpose of acquiring popularity. He (Mr. H.) thought, that the Bill would be carried by a majority of the Members of the Church of England in the House, who were in favour of the Bill. He considered it, instead of being an act of spoliation, one of reparation, and that the spoliation was made several years ago for the benefit of the Church of England. If ever there were any Measure free from the charge of hasty legislation, it was the present one. He thought the Religious Denomination would be sufficiently alive to see to the religious education of their youth, and would be quite as anxious on that score as any of the honourable gentlemen opposite.

Mr. William B. Robinson strongly objected to the provision of the Bill which excluded Religion from the Institution.

In reply to the various Members opposed to the Bill, Mr. Baldwin said, that the principle of the present Bill were not different from that of 1843. Protests had always been made against the Charter of King's College as exclusive; the present Bill was an act of restoration, and not of spoliation. He was a member of the Church of England, and did not desire any exclusive privileges for it; neither would he consent to be placed on a worse footing than other Churches. An honourable Member had said that other Colleges would not acquiesce in the present arrangement; he (Mr. B.) trusted that they would have sufficient patriotism to do so. He desired to

settle the question, and would not ask for any other monument for his political life than that Bill.

Mr. H. J. Boulton, said, that he was very much pleased to hear his honourable friend Mr. Baldwin say that the measure, which he had introduced, intended to do away with all Denominational characteristics. He thought, that the resolution, which he had thus expressed, deserved the thanks of the Country.

He could not but express his regret, at one part of the proposed Measure,—that was the introduction to the Senate of parties from other Colleges. It appeared to him denominational as they were ;—that the University should be entirely and thoroughly denuded of all sectarian characteristics. His opinion was, that if Professors of any Religious Denomination were allowed to enter the University, it would be considered by those Denominations, which were not so fortunate, or so numerous as to have obtained a Charter and established a College of their own, as placing those who had one above them. It would be justly regarded as placing the more numerous and wealthy Denominations in a position above that of the smaller and poorer ones.

The Honourable J. H. Price said that the whole of the University Bill was just as much opposed to sectarianism as it was possible to frame it. It was founded, upon the great principles of truth and equity, of civil and religious liberty.

The Bill, having been referred to a Committee of the whole House, the Honourable J. H. Boulton then proposed the following amendments :—

1. To expunge the 17th and 18th clauses, authorizing certain Sectarian Colleges to appoint Members to the Senate of the University, and to substitute Members of the Degree of Master of Arts, to be elected by the Convocation.

2. After the 12th Clause, to insert the following clause :

Provided always, and be it enacted, That, for the better enabling every Student in the said University, to receive Religious Instruction, according to the Creed which he professes to hold, it should be lawful for the Convocation of the said University, from time to time, as occasion may require, by Statute, or Statutes, to be framed and passed by them, for that purpose, to assign a fit and convenient site within the precincts of the ground attached to that said University whereon it shall be lawful for any Religious Denomination of Christians, who should think fit to apply to the Convocation for such privilege, to erect, according to a plan to be approved of, by the said Convocation, a Chapel, Hall, or Lecture Room, for Divine Worship, or the delivery of Lectures in Divinity, according to the Creed of the parties so applying ; and also to endow any Professorship, which such persons shall think fit to found for that purpose, either by the grant of lands, or tenements, or of stocks, funds, public or freehold, securities, as they shall think proper to bestow in that behalf, and to grant and invest the same to, or in the name of, the Chancellor, Master and Scholars of the said University, in trust for such endowment, anything in the Statutes of Mortmain to the contrary, thereof, in any wise notwithstanding.

Provided, that no Lecturer, Reader, Professor, or other Person, appointed to officiate in any matter in such Chapel, Hall, or Lecture Room, shall, by reason thereof, be regarded as a Member of the said University, nor entitled to any voice in the government thereof, but the same shall, nevertheless, be subject to such Rules and Regulations as the Convocation shall think fit, by Statute, to prescribe, concerning the days and times, when Religious Instructions shall be given therein, and for securing, that the same shall not interfere with the general discipline of the said University ;

Provided always, that no student shall be compelled, by any rule of the University, to attend any Theological Lecture or Religious Instruction, but that all attendance thereat shall be purely voluntary, so far as the authority of the said University may be invoked to enforce it.

3. After the 6th clause to insert the following clause ;—

And be it enacted, That there shall be, in the said University, a deliberate Body, to be called the Senate of the said University, which shall consist of the Chancellor, Vice-Chancellor, the President, and all the Professors of the said University, of the Degree of Master of Arts, to be elected by Convocation on the day of in each year, and, that one-half of such ten Members shall retire every second year; provided, that they may, nevertheless, be eligible to be re-elected ; and that all Statutes shall be approved of by such Senate, being submitted to the Convocation of the said University.

These proposals of Mr. H. J. Boulton were rejected by the Committee—he alone voting for them.

The Speaker having resumed the Chair, Mr. Chauveau reported that the Committee had gone through the Bill, and had made some amendments thereto. The Report was received, and the amendments were read and agreed to ; and it was ordered, that the Bill, with the amendments, be engrossed.

May 14th, 1849. Ordered, That that the Bill to incorporate the College of Bytown be committed to a Committee of the whole House. The House accordingly resolved itself into the said Committee. Mr. Sauvageau took the chair of the Committee ; and after some time spent therein, Mr. Speaker resumed the Chair ; and Mr. Sauvageau reported, That the Committee had gone through the Bill, and made an amendment thereunto. Ordered, That the Report be now received. Mr. Sauvageau reported the Bill accordingly ; and the amendment was read, and agreed to. It was then ordered that the Bill, with the amendment, be engrossed.

A Petition of the Reverend James Cooper and others, on behalf of the Baptist Church of Kemptville and South Gower, was read, praying for the passing of the Bill relative to the University of King's College, without further delay.

A Message was received from the Legislative Council and read, as follows :—

Mr. SPEAKER,

The Legislative Council acquaints this House, that His Excellency the Governor General has appointed to-morrow at two o'clock in the afternoon, to be attended with the Address of both Houses on the subject of the Bill passed during the present Session, intituled,

"An Act to raise an income of One Hundred Thousand pounds, (£100,000) out of the Public Lands of Canada, for Common School Education ;"

and that their Honours have ordered that such Members of the Executive Council, who are Members of their House, do wait upon His Excellency at that time, on the part of their House.

LEGISLATIVE COUNCIL, 14th of May, 1849. PETER MCGILL, Speaker.

Ordered, That such Members of this House, as are of theHonourable the Executive Council of this Province, do attend His Excellency the Governor General, on the part of this House, to-morrow, at two o'clock, p.m., with the Address of both Houses on the subject of the said Bill.

May 15th, 1849.—Mr. John Wetenhall brought up the Petition of the Reverend James Beaven, D.D., Professor of Theology and Metaphysics and Moral Philosophy in the University of King's College at Toronto. It was then ordered, That this Petition be now read ; and the Rules of this House suspended as regards the same. And the said Petition was read ; praying that the Bill to amend the Charter of the said University may be so amended as to preserve, with all necessary powers, the Faculty of Theology therein. It was then ordered, That the Petition of the Reverend James Beaven, D.D., be printed for the use of the Members of this House.

Ordered, That the Petition of the Reverend George Romanes, Moderator, and the Reverend Andrew Bell, Synod Clerk, on behalf of the Commission of the Synod of the Presbyterian Church in Canada, in connection with the Church of Scotland, be now read ; and the Rules of this House suspended as regards the same.

And the said Petition was read, praying that the Bill to amend the Charter of the University of King's College at Toronto, may not pass into law.

NOTE. This Petition is the same in substance as that which was laid before the House of Assembly by the Board of Trustees of the University of Queen's College, and was read in that House,—pages 127-129,—on the 18th of April, 1849, as follows :—

TO THE HONOURABLE THE HOUSE OF ASSEMBLY OF THE PROVINCE OF CANADA.

The Petition of the Board of Trustees of Queen's College University, Kingston,—

Humbly Sheweth—That Your Petitioners, as the Trustees of one of the Chartered Universities of the Province, have carefully perused the [Baldwin] University Bill, lately introduced into Parliament. and after the most mature consideration, feel themselves compelled to petition Your Honourable House that the same be not passed into law, in its present form.

1. The proposed Bill, by excluding from the University all Religious Teaching and Observances, and requiring, not even the Religious Test of the amended Charter of 1837 from the Professors, alienates the Public Endowment from the purposes for which it was set apart, and dissolves the connection which ought always to subsist between Religion and Education. When the original appropriation of Crown Lands was made in 1798, it was made by His Most Gracious Majesty George the Third, for the express purpose of promoting the instruction of youth :

"First, by the establishment of Free Grammar Schools in these Districts in which they are called for, and, in due process of time, by establishing Other Seminaries of a Larger and more Comprehensive Nature, for the promotion of Religious Moral learning, and the study of the Arts and Sciences." ("*Report of the Select Committee of House of Assembly, dated the 23rd of February, 1831.*)*

And the original Charter of the Institution, of 1827, recited in the amended Charter, of 1837, expressly states the object of the establishment of the University to be for

"The education of youth in the principles of the Christian Religion, and their instruction in the various branches of Science and Literature."

Your Petitioners, therefore, while they acknowledge the constitutional right of Your Honourable House to amend the original Charter of 1827, so as to promote the objects for which the

* Printed on pages 21-23 of the Second Volume of this Documentary History.

Endowment was made, respectfully submit, that that Endowment cannot be diverted from the great ends for which it was evidently and expressly appropriated.

2. It appears, also, from the original terms already quoted, in which His Majesty George the Third assented to the propssal for the public endowment for education purposes of a higher kind, that he did so with the view of the endowment not of one but of several "Seminaries and put into operation; and, although your Petitioners were, at one time, in favour of the plan of concentration, the increasing population, and other circumstances in the state of the Country, and a more mature consideration of the whole subject, have led to a change in this opinion. And they have very great doubts whether the plan of concentrating all the means of University education in one particular locality be the best adapted for promoting the interest of education, or inducing the attendance of students. In other Countries, as, for example, Great Britain, and in the States of New England, it has been invariably found that these ends have been best promoted by Universities being placed in different localities, and it may be justly expected that several property endowed Colleges, placed in various parts of the Province, will call forth the attendance of double, or treble, the number of students that one solitary University would do. Your Petitioners cannot regard it as just, or desirable, that the Inhabitants of every other section of the Country should be subjected to the great inconvenience of sending their sons to Toronto —"Many hundred miles from the tender care and watchful authority of their parents." (See Report of select Committee of House of Assembly of 1831, above referred to ") as well as without any provision for their Religious Superintendence, or instruction.

3. It seems also to your Petitioners a serious objection to concentrating the means of University Education in one particular locality, that no generous rivalry is provided for between kindred Institutions. Although some may think that a rich Endowment insures efficiency, your Petitioners are of the opinion that such is not the case that a richly endowed body, monopolizing the education of a Country, is very seldom, if ever, efficient for the purposes in view, that such a body, without rivalry, wholly independent of public opinion, or confidence for its support, is apt to become inactive, and indifferent and careless about adopting improvements; and that nothing is more conducive to excellence than the rivalry of different Institutions, each inciting the other to new exertions and striving, by efficiency and zeal, to merit the confidence of the Country.

4. It appears, moreover, to your Petitioners, that the same objection applies to the plan of concentrating all the means of a Higher Grammar School Instruction at Toronto which they believe to be alike contrary to the original object of the appropriation of the School Lands for the erection and endowment of superior Grammar Schools in different parts of the Province and unjust to the educational interests of other sections of the Country.

5. With respect to other Chartered Institutions surrendering their right of conferring Degrees in the Arts and Faculties, except Divinity, which the Measure contemplates, Your Petitioners can never, for the reasons above stated, or in any circumstances whatsoever, consent to surrender the University powers conferred on Queen's College by Her Majesty's Royal Letters, Patent, powers and privileges which are enjoyed by very few Institutions in the British Dominion.

May it, therefore, please Your Honourable House, for the reasons above stated, not to pass into a law the University Bill lately introduced, but to adopt such measures as shall seem, in Your wisdom, best fitted to settle, on a right and equitable basis, the long agitated question regarding the public University Endowment, and such as shall be most advantageous to the educational interests of the country. And Your Petitioners will ever pray."

(Signed by the Chairman and Secretary of the Board of Trustees of the University of Queen's College.

KINGSTON, April, 1849.

May 18th, 1849. The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable James H. Price, and the Question being proposed, That the engrossed Bill to amend the Charter of the University, established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof, be now read the third time.

The Honourable John A. Macdonald moved in amendment to the Question, seconded by the Honourable Henry Sherwood, That the words, "now read the third time" be left out, and the following words be added instead thereof:

"Re-committed to a Committee of the Whole House, for Tuesday next, with an instruction to the Committee to consider the propriety:

1st. Of restoring to the University of King's College its Royal Charter, by repealing the Statute of Upper Canada, which amended the same.

2nd. Of vesting the Endowment of the said University in a General Board to be incorporated by the Legislature, and of adding to such Endowment an appropriation of Public Lands, so as to to make it sufficient for the purpose,—

First, of granting to the four Colleges now established in Upper Canada, as well as to any Colleges which may be hereafter established by any Christian Denomination in that section of the Province, an annual sum, not to exceed for each College, the sum of £——;

Secondly, of establishing in each District, or Union of Counties, Grammar Schools, affording a higher order of education than that now attainable in the Common Schools of Upper Canada, each Grammar School to be endowed with an annual sum not to exceed £——, nor to be less than £——;

Thirdly, of establishing and properly endowing an Agricultural School and Farm in each District, or Union of Counties, in Upper Canada;"*

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down as follows:—

YEAS.—Messieurs W. Badgley, W. H. Boulton, R. Christie, J. P. Crysler, B. C. A. Gugy, J. A. Macdonald, Sir Allan N. Macnab, E. Malloch, J. McConnell, W. B. Robinson, B. Seymour, G. Sherwood, H. Sherwood and H. Smith; 14.

NAYS.—Messieurs D. M. Armstrong, Attorney General R. Baldwin, P. Beaubien, R. Bell, Solicitor General W. H. Blake, R. Burritt, M. Cameron, G. E. Cartier, J. Cauchon, J. Chabot, P. J. O. Chauveau, P. Davignon, J. De Witt, N. Dumas, A. J. Fergusson, T. Fortier, C. F. Fournier, M. Fourquin, A. T. Galt, J. Hall, B. Holmes, T. H. Johnson, Attorney General L. H. Lafontaine, J. Laurin, F. Lemieux, G. B. Lyon, J. S. Macdonald, P. C. Marquis, D. McFarland, W. H. Merritt, F. X. Methol, J. C. Morrison, W. Notman, L. J. Papineau, A. Polette, J. H. Price, W. B. Richards, T. Sauvagean, H. Smith, J. C. Taché, D. Thompson, R. N. Watts and J. Wetenhall.—43.

So it passed in the Negative.

Then the main Question being put; the House divided; and the names being called for the Yeas were the same as in the preceding negative vote, with the addition of that of the Honourable H. J. Boulton. The Nays were the same as in the preceding affirmative vote. So it was resolved in the Affirmative. The Bill was accordingly read the third time.

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable James H. Price, and the Question being put, That the Bill do pass, and the Title be, "An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof;"

The House divided; and the names being called for, they were taken down, as follows:—

YEAS.—Messieurs: D. M. Armstrong, Attorney General R. Baldwin, P. Beaubien, R. Bell, Solicitor General W. H. Blake, H. J. Boulton, R. Burritt, M. Cameron, G. E. Cartier, J. Cauchon, J. Chabot, P. Davignon, J. DeWitt, A. J. Fergusson, T. Fortier, C. F. Fournier, M. Fourquin, A. T. Galt, I. Hall, B. Holmes, T. H. Johnson, Attorney General L. H. Lafontaine, J Laurin, F. Lemiux, G. B. Lyon, J. S. Macdonald, P. C. Marquis, J. McConnell, D. McFarland, W. H. Merritt, F. X. Methol, J. C. Morrison, W. Notman, L. J. Papineau, A. Polette, J. H. Price, W. B. Richards, T. Sauvageau, H. Smith, J. C. Taché, D. Thompson, R. N. Watts and J. Wetenhall.—43.

NAYS.—Messieurs W. Badgley, W. H. Boulton, R. Christie, J. A. Macdonald, Sir Allan N. Macnab, W. B. Robinson, B. Seymour, G. Sherwood, H. Sherwood and H. Smith.—10.

So it was resolved in the Affirmative.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the Bill to the Legislative Council, and desire their concurrence,

May 19th 1849, An engrossed Bill to incorporate the College of Bytown, was read the third time. Resolved, That the Bill do pass. Ordered, That Mr. John Egan, do carry the Bill to the Legislative Council, and desire their concurrence.

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* In regard to this amendment proposed by the Honourable, (afterwards Sir) John A. Macdonald, Mr. Pope, in his "*Memoires of Sir John Macdonald*," Volume I, page 72, says:

"During the Session of 1849, there was passed an Act secularizing King's College, of which mention has already been made. The Bill was introduced by Mr. Robert Baldwin, and, being supported by the whole power of the Government, passed the Assembly by a large majority. It amended the Charter of King's College,—abolished the Faculty of Divinity, and established a College of purely secular learning, under the name of the "University of Toronto."

The opposition to this Measure was led by Mr. Macdonald, who, from the beginning of his career, had attached much importance to the question. On the motion for the third reading, he proposed an amendment, embodying the provisions of the Bill he had essayed to carry in 1847, which was rejected by the House." (See pages 11, 12 of the Seventh Volume of this Documentary History.)

May 21st, 1849, A Message was received from the Legislative Council and read, as follows:—

Mr. Speaker,

The Legislative Council has passed the following Bill, without amendment, Bill, intituled:— "An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof;"

Legislative Council, 21st of May, 1849. Peter McGill, Speaker.

May 22nd, 1849 A Message was received from the Legislative Council, and read, as follows:—

Mr. Speaker,

The Legislative Council has passed the following Bill, without amendment:—Bill, intituled: "An Act to incorporate the College of Bytown;"

Legislative Council, 22nd of May, 1849. Peter McGill, Speaker.

May 25th, 1849 Resolved, That a sum, not exceeding One Thousand One hundred and Eleven pounds Two shillings and Two pence, currency (£1,111.2.2.) be granted to Her Majesty, as an aid to the Upper Canada College, for the year One Thousand Eight hundred and Forty-Nine; and that a sum not exceeding One Thousand Five Hundred Pounds, (£1,500.) Currency be granted to Her Majesty, in aid of the Colleges of Victoria, Queens and Regiopolis, to the extent of Five Hundred pounds each.

May 26th, 1849 The Order of the Day for the second reading of the Bill for the Better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act, being read; The Bill was accordingly read a second time: and committed to a Committee of the whole House. The House accordingly resolved itself into the said Committee. and the Honourable Malcolm Cameron, who had charge of the Bill, said:

"That it had become necessary to make some alterations in the present School Act of 1846 and 1847 and to reconstruct these laws into a systematic code. It was also necessary he said to make these alterations so as to adapt the School Law to the changes in the Municipal Institutions of Upper Canada The principal new features in the Bill, which he had introduced, were provisions with a view to the establishment of a fund for the support of the weaker School Sections; to do away with the District School Superintendents, and to reestablish Township ones,—which he believed would be better, as it had been found impossible for the School Superintendents, in large Districts, to visit all the Schools properly. There were also provisions for the uniting of weak School Sections to others, until they had increased sufficiently in population to enable them to maintain a School efficiently."

Mr. David Thompson asked if the Bill would affect the office of Chief Superintendent? Mr. Cameron said, it would not affect that Office.

Mr. W. H. Boulton complained of the introduction of so important a Measure at such a late period of the Session, and said it might be better to postpone it until the Session following.

Mr. J. C. Taché took the chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair; And Mr. Taché reported That the Committee had gone through the Bill, and made amendments thereunto. Ordered, That the Report be now received: and the Rules of this House suspended as to the same. Mr. Taché reported the Bill accordingly; and the amendments were read, and agreed to. Ordered, That the Bill with the amendments, be engrossed.

The Honourable Malcolm Cameron, of Kent, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,—the Annual Report of the Normal, Model and Common Schools in Upper Canada, for the year 1848, with an Appendix, by the Chief Superintendent of Schools. Ordered, That seven hundred and fifty copies, in English language, and two hundred and fifty copies in the French language, of the said Report, be printed for the use of the Members of this House.

An engrossed Bill for the Better Establishment and Maintenance of Public Schools In Upper Canada, and for repealing the present School Act, was read the third time. Resolved, That the Bill do pass.

Ordered, That the Honourable Malcolm Cameron, do carry the Bill to the Legislative Council, and desire their concurrence.

May 30th, 1849. A Message was received from the Legislative Council and read, as follows:—

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act for the better establishment and maintenance of Public Schools in Upper Canada, and for repealing the present School Act," without any amendment.

Legislative Council, 31st May, 1849. Peter McGill, Speaker.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF CANADA, 1849.

The Legislature met on the 18th of January, 1849. A Speech from the Throne was delivered by the Earl of Elgin and Kincardine, Governor General, as mentioned on page 110 of this Volume.

The following persons had been summoned to the Legislative Council by the Governor General: Messieurs E. P. Taché, J. Leslie, F. A. Quesnel, J. Bourret, G. S. de Beaujeu, J. Ross and J. O. Turgeon. Speaker: The Honourable R. E. Caron.

After the Reply to the Speech from the Throne was agreed to,—which was a reecho of that Speech,—the ordinary business proceeded.

January 26th, 1849. The Honourable James Leslie Secretary of the Province, by command of His Excellency the Governor-General presented to the House a Report from the Chief Superintendent of Education for Upper Canada for the year 1847.

February 2nd, 1849. The following Return from the Friends Boarding House, in the District of Prince Edward was laid before the House for the year 1848. (See page 113 of this Volume.)

February 9th, 1849. A Petition each from the University, and from the Board of Trustees, of the University of Queen's College at Kingston was presented to the Council. (See pages 113 and 127 of this Volume).

March 7th, 1849. A Message was brought from the Legislative Assembly by the Honourable James H. Price, and others with a Bill, intituled: "An Act to raise an income of One Hundred Thousand pounds (£100,000,) out of the Public Lands of Canada, for Common School Education," to which they desire the concurrence of this House.

March 15th, 1849. Pursuant to the Order of the Day, the Bill intituled: "An Act to raise an income of One Hundred Thousand pounds, (£100,000) out of the Public Lands of Canada, for Common School Education," was read the second time.

Ordered, that the said Bill be committed to a Committee of the Whole House. The House, according to Order, was adjourned during pleasure, and put into a Committee on the said Bill. The Council having resumed the Honourable Joseph Bourret reported from the said Committee, that they had gone through the said Bill, and had directed him to report the same to the House, without any Amendment. It was then ordered that the said Bill be read the third time tomorrow.

March 16th, 1849. Pursuant to the Order of the Day, the Bill intituled: "An Act to raise an income of One Hundred Thousand pounds, (£100,000,) out of the Public Lands of Canada for Common School Education," was read the third time. The question was put whether this Bill shall pass. It was resolved in the affimative.

April 9th, 1849. The Honorable John Ross presented a Petition from the Magistrates of the Wellington District, assembled, praying that all the interest accruing in future from the sale of the Clergy Reserves may be employed to the advantage of Elementary Education, and that the balance resulting from that fund may be applied in purchasing copies of the Holy Scripture for the use of Elementary Schools in Upper Canada.

April 18th, 1849. A Message was brought from the Legislative Assemby, by T. H. Johnson and others, with a Bill, intituled, "An Act to enable the Trustees of the Ottawa District Grammar School, to sell the present School House, and apply the funds arising from the sale thereof towards purchasing a new site and erecting a new School House in the Town of L'Orignal," to which they desire the concurrence of this House. The said Bill was read for the first time, and it was ordered that the said Bill be read the second time on Friday next.

April 19th, 1849. The Honorable Peter McGill presented a Petition from the Board of Trustees of the University of Queen's College, Kingston, praying against the passing of the proposed Bill relative to the University of King's College, Toronto.

April 20th, 1849. Pursuant to the Order of the Day, the Bill, intituled: An Act to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and to apply the funds arising from the sale thereof towards purchasing a new site and erecting a new School House in the Town of L'Orignal" was read a second time. Ordered that the said Bill be referred to a select Committee of three Members, and that the Committee be the Honourable Messieurs Samuel Crane, Adam Fergusson, and Roderick Matheson, to meet and adjourn as they please.

April 23rd, 1849. The Honourable the Chairman from the Select Committee to whom was referred the Bill intituled: "An Act to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and to apply the funds arising from the sale thereof towards purchasing a new site, and erecting a new School House in the Town of L'Orignal," reported that they had gone through the said Bill, and had directed him to report the same to

the House without any Amendment. It was ordered, that the said Bill be read a third time to-morrow.

A Petition from the Honourable and Right Reverend the Lord Bishop of Toronto was presented to the House. (See page 123 of this Volume.)

April 24th, 1849. Pursuant to the Order of the day, the Bill, intituled: "An Act to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and apply the funds arising from the sale thereof towards purchasing a new site, and erecting a new School House in the Town of L'Orignal," was read a third time. The question was put whether this Bill shall pass. It was resolved in the affirmative.

May 4th, 1849. The Honourable James Ferrier presented a Petition from the Students of Divinity of the University of King's College, praying that the power of conferring Degrees in Divinity may be continued to the said University. (See page 133 of this Volume.)

May 7th, 1849. The Honourable James Leslie presented a Petition from the Council of the University of King's College, Toronto, praying that the Measure introduced during the present Session, on the subject of amending the Charter of the said University, may be passed into a Law, with certain alterations and modifications. (See page 129 of this Volume.)

May 9th, 1849. A Message was brought from the Legislative Assembly by the Honourable James H. Price and others as follows:—

Resolved, That a message be sent to the Legislative Council, informing their Honors that this House has adopted the accompanying Address to His Excellency the Governor General, on the subject of a Bill passed by both Houses of the Legislature during the present Session, intituled "An Act to raise an income of One Hundred Thousand pounds, (£100,000,) out of "the Public Lands of Canada, for Common School Education;" and requesting the concurrence of their Honors thereto.

LEGISLATIVE ASSEMBLY, 9th of May, 1849. A. N. MORIN, Speaker.

Ordered, That the Honourable James H. Price do carry the Message to the Legislative Council.

The said Address to His Excellency the Governor General was then read by the Clerk as follows:—

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of Canada, in Provincial Parliament assembled, beg leave to inform Your Excellency that we have, during the present Session, passed a Bill, intituled: "An Act to raise an income of One Hundred Thousand pounds out of the Public Lands of Canada, for Common School Education:" which Bill contains clauses relating to and affecting Her Majesty's prerogative, touching the granting of Waste Lands of the Crown within the said Province: and we therefore pray, that in order to give effect to the said Bill, Your Excellency will be pleased to cause it to be transmitted to England without delay, for the purpose of being laid before Parliament previously to the signification of Her Majesty's assent thereto.

Ordered, that the said Address be taken into consideration by the House to-morrow.

May 10th, 1849. The House, according to Order, proceeded to the consideration of the Address of the Legislative Assembly to His Excellency the Governor General, on the subject of the Bill passed during the present Session of Parliament, intituled: "An Act to raise an Income of One Hundred Thousand pounds, (£100,000,) out of the Public Lands of Canada for Common School Education."

Which said Address being again read by the Clerk, it was moved to agree with the Legislative Assembly in the said Address to His Excellency, the Governor General, by filling up the blank with "Legislative Council and the." The question of concurrence being put thereon, the same was agreed to by the House.

Ordered, That the Speaker do sign the said Address on behalf of this House; also

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House, that the Legislative Council hath agreed to the said Address, by filling up the blank with "Legislative Council and the."

Ordered, that such Members of the Executive Council, who are Members of this House, do wait on His Excellency the Governor General, humbly to know what time His Excellency will please to appoint to be attended with the said Address.

May 14th, 1849. The Honourable James Leslie reported that he had, according to order, waited on His Excellency the Governor General, to know what time His Excellency would be pleased to appoint to be attended with the Joint Address of both Houses to His Excellency, on the subject of the Bill passed during the present Session, intituled; "An Act to raise an income of One Hundred Thousand pounds, (£100,000,) out of the Public Lands of Canada for

Common School Education ; " and that His Excellency had appointed to-morrow at two o'clock in the afternoon for that purpose.

May 15th, 1849. The Honourable Peter M'Gill presented a Petition from the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, praying that the Bill for amending the Charter of King's College may not pass into a law in its present form. (See pages 139-140 of this Volume.)

May 18th, 1849. A Message was brought from the Legislative Assembly by the Honourable Mr. Attorney General Baldwin and others, with a Bill, intituled : "An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University and for other purposes connected with the same. and with the College and Royal Grammar School forming an Appendage thereof," to which they desire the concurrence of this House.

The said Bill was read for the first time, and it was ordered, That the said Bill be read the second time to-morrow, and that the same do stand as the first item upon the Orders of that day.

May 19th, 1849. The Order of the Day being read for a second reading of the Bill intituled : "An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof."

It was moved that the said Bill be now read the second time. Which being objected to, after debate, the question of concurrence was put in the said motion, and, the same was resolved in the affirmative. Whereupon the said Bill was then read the second time.

Ordered, that the said Bill be committed to a Committee of the Whole House presently. The House, according to order, was adjourned during pleasure, and put into a Committee of the Whole on the same. After some time the House was resumed, and the Honorable Adam Ferrie reported from the said Committee, that they had gone through the said Bill, and had directed him to report the same to the House without any amendment. It was then ordered that the said Bill be read the third time on Monday next.

May 19th, 1849. A Message was brought from the Legislative Assembly by Mr. John Egan and others with a Bill, intituled : "An Act to incorporate the College of Bytown," to which they desire the concurrence of this House. The said Bill was read for the first time, and it was ordered, that the said Bill be read the second time on Monday next.

May 21st, 1849. The Order of the Day being read, for a third reading of the Bill, intituled : "An Act to amend the Charter of the University established at Toronto by his late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof."

It was moved that the said Bill be now read the third time. Which being objected to, after debate, the question of concurrence was put thereon and the same was resolved in the affirmative. Whereupon the said Bill was read for the third time. The question was put, whether this Bill shall pass. It was resolved in the affirmative.

DISSENTIENT :

1. Because the Endowment of a University at Toronto will not confer general benefit on the people of the Province, inasmuch as the wealthy classes only, and those who reside near that City, can avail themselves of the advantages of such a Seminary of Learning.

2. Because the Lands, 225,000 acres, with which King's College is endowed, and also those belonging to Upper Canada College, also situated at Toronto, and amounting to 66,000 acres, originally formed a part of the School Lands reservation granted by His Majesty King George the Third, of pious memory, upon a joint application of the Parliament of Upper Canada, for the promotion of Religious and Moral learning, and the study of the Arts and Sciences, and, therefore, ought not to be conferred on one Institution, but be divided as an Endowment to three Colleges, one at Toronto, one at Kingston, and another at London. [?Cobourg]

3. Because the Royal Donor intended, when the grant was made in the year 1797, that the Lands should be made available for the instruction of the Youth of the Province in the principles of the Christian Religion, as well as the means of communicating moral learning along with the study of the Arts and Sciences.

4. Because the Bill makes no provision by which Christianity is recognized, and, therefore, the Professors and teachers may be were of infidel principles, to the great injury of the pupils and others, and in violation of the purposes for which the lands were originally set apart.

WILLIAM MORRIS.
RODERICK MATHESON.

LEGISLATIVE COUNCIL, 21st May, 1849.

Ordered, that one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

Pursuant to the Order of the Day the Bill intituled: "An Act to incorporate the College of Bytown," was read the second time. It was ordered that the said Bill be referred to a Select Committee or three members. Ordered, that the Committee be the Honourable Messieurs Louis Massue, George S. de Beaujen, and John Ross, to meet and adjourn and as they please.

22nd May. The Honourable Louis Massue, from the Select Committee to whom was referred the Bill, intituled: "An Act to incorporate the College of Bytown," reported from the said Committee that they had gone through the said Bill, and had directed him to report the same to the House without any amendment. It was ordered, that the said Bill be read the third time presently. The said Bill was then read the third time accordingly. The question was put, whether this Bill shall pass. It was resolved in the affirmative.

Ordered, that one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

May 29th 1849. A Message was brought from the Legislative Assembly by the Honourable Malcolm Cameron and others, with a Bill intituled: "An Act for the Better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act," to which they desire the concurrence of this House. The said Bill was read for the first time. Ordered, that the said Bill be read the second time presently. The said Bill was then read the second time accordingly. Ordered, that the said Bill be committed to a Committee of the Whole House. The House, according to Order, was adjourned during pleasure, and put into a Committee on the said Bill. After some time the House was resumed, and the Honourable Joseph Bourret reported from the said Committee that they had gone through the said Bill, and had directed him to report the same to the House without any amendment. Ordered. That the said Bill be read the third time presently. The said Bill was then read the third time accordingly. The question was put whether this Bill shall pass. It was resolved in the affirmative.

Ordered, that one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

May 30th, 1849. His Excellency Major General Rowan, Deputy Governor, being seated in the Chair on the Throne, the Speaker commanded the Gentleman Usher of the Black Rod to let the Assembly know "it is His Excellency's pleasure they attend him immediately in this House." Who being come with their Speaker, the Clerk of the Crown in Chancery read the Titles of the Bills to be passed, severally, as follows:—

"An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory Government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an Appendage thereof.

"An Act to incorporate the College of Bytown.

"An Act for the better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act."

The Clerk of the Crown in Chancery then read the Title of the following Bill:—

"An Act to raise an income of One Hundred Thousand pounds (£100,000,) out of the Public Lands of Canada for Common School Education."*

"His Excellency the Deputy Governor doth reserve this Bill for the signification of Her Majesty's pleasure thereon."

NOTE. No reference to educational matters was made in the Speech from the Throne.

* A copy of this Reserved Act is printed on pages 116, 117 of this Volume.

CHAPTER IX.

EDUCATIONAL ACTS PASSED BY THE LEGISLATURE OF THE PROVINCE OF CANADA, 1849.

12TH VICTORIA, CHAPTER LXXXII.

AN ACT TO AMEND THE CHARTER OF THE UNIVERSITY ESTABLISHED AT TORONTO....AND TO PROVIDE FOR THE MORE SATISFACTORY GOVERNMENT OF THE SAID UNIVERSITY, AND FOR OTHER PURPOSES CONNECTED WITH THE SAME, ETCETERA.

The Earl of Elgin and Kincardine, Governor General of British North America:

Passed on the 30th of May, 1849.

(NOTE. Those parts of the original Bill, on which the following Act is founded, which were omitted, or modified, by the Legislature, are enclosed in square brackets; the additions to the Bill are printed in italic type.)

Preamble.

WHEREAS a University for the advancement of Learning, in that division of the Province, called Upper Canada, established upon principles, calculated to conciliate the confidence and insure the support of all classes and denominations of Her Majesty's subjects, would, under the blessing of Divine Providence, encourage the pursuit of Literature, Science and Art, and thereby greatly tend to promote the best interests, Religious. Moral, and Intellectual of the people at large: And

Royal Charter of 18th March 1827,-Cited

WHEREAS, with a view to supply the want of such an Institution, His late Majesty King George the Fourth, by Royal Charter, bearing date at Westminster, the Fifteenth day of March 1827, in the Eighth year of His Reign,* was pleased to establish at Toronto, then called York, in that division of the Province, a Collegiate Institution, with the style and privileges of a University, and was afterwards pleased to endow the said Institution with certain of the Waste Lands of the Crown, in that part of the Province; And

WHEREAS the people of this Province consist of various Denominations of Christians, to the Members of each of which Denominations, it is desirable to extend all the benefits of a University Education, and it is, therefore, necessary, that such Institution, to enable it to accomplish its high purpose, should be entirely free in its government and discipline from all Denominational bias, so that the just rights and privileges of all may be fully maintained, without offence to the Religious Opinions of any; And

Imperial Despatch of 8th November, 1832—Cited—

WHEREAS the Legislature of the late Province of Upper Canada having been invited by His late Majesty King William the Fourth, "to consider in what manner the said University could be best constituted for the general advantage of the whole Society," as appears by the Despatch of His Majesty's Secretary of State for the Colonies, bearing date the Eighth day of November, in the year of our Lord, one thousand eight hundred and thirty-two, the† Parliament of that Province, afterwards, by an Act passed in the Seventh year of the Reign of His said late Majesty King William the Fourth, Chaptered Sixteen, and intituled:—"An Act to Amend the Charter of King's College," did alter and amend the said Charter in certain particulars, in order, as the Preamble to the said Act recites, "to meet the desire and circumstances of the Colony:"‡ And

Act of Upper Canada (1837) 7—William 4 chapter 16, Cited.

WHEREAS such alteration and amendment have been found insufficient for these purposes, and, therefore, as well for the more complete accomplishment of

*For Copy of this Charter, see pages 222-225 of first Volume of this Documentary History.

†A copy of this Despatch is printed on pages 112, 113 of the Second Volume of this History.

‡This Act will be found on pages 88, 89 of the Third Volume of this History.

this important object, in compliance with His said late Majesty's Most Gracious invitation, as for the purpose of preventing the evil consequences to which frequent appeals to Parliament on the subject of the Constitution and Government of the said University is calculated to produce, it has become expedient and necessary to repeal the said Act, and to substitute other Legislative provisions in lieu thereof:

Imperial Act of 1840.

Repeal of Act of 1837, 7 William 4, chapter 16.

I. *Be it therefore, enacted* by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled:—"An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that the said Act shall be and the same is hereby repealed.

Repeal of so much of Charter as is inconsistent with this Act.

II. *And be it enacted*, that so much of the said Charter, so granted by His said late Majesty King George the Fourth, as aforesaid, as is contradictory to, or inconsistent with this Act, or any of the Provisions thereof, or as makes any provision in any matter provided for by this Act other than such as is hereby made in such matter, shall be, and the same is hereby repealed and annulled; anything in the said Charter, or the said Act of the Parliament of the late Province of Upper Canada of 1837 to the contrary, notwithstanding—

II. CONCERNING THE UNIVERSITY OF TORONTO.

Corporate name and powers.

III. *And be it enacted*, That from henceforth the said University, so established by the said Royal Charter of His said late Majesty King George the Fourth, bearing date the Fifteenth day of March, 1827, in the Eighth year of His Reign as aforesaid, shall be known and designated by the name and style of "The Chancellor, Masters and Scholars of the University of Toronto," in the stead and place of the name given thereto in and by said Charter, and the same shall continue to be a University for the Education of Youth, and the conferring Degrees in Arts and Faculties, as provided by the said Charter; and the said University, by the said name of "The Chancellor, Masters, and Scholars of the University of Toronto," shall continue to be a Body Corporate and Politic, with perpetual succession and a Common Seal, and all other corporate and other rights, powers and privileges conferred by the said Royal Charter, except so far as the same are repealed, altered, or modified, by the provisions of this Act, and all and singular the rights, powers and privileges, conferred by the said Charter, except as aforesaid, shall be and the same are hereby confirmed to the said Chancellor, Masters and Scholars, and their Successors for ever; And the said University, by and under the name aforesaid, shall be able and capable in Law of purchasing, acquiring, taking, having, holding and enjoying, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their Successors, any estate, or property, real or personal, to and for the use of the said University, or to, for, or in trust for any other use, or purpose, whatsoever, in any way connected with the advancement of Education, or the Arts, or Sciences, and of letting, conveying, or otherwise, disposing thereof, from time to time, as they may deem necessary, or expedient.

power to take and hold property for certain purposes.

Governor to be the Visitor.

IV. *And be it enacted*, That the Governor, or Person administering the Government of this Province for the time being, shall be the Visitor of the said University, for, and on behalf of, Her Majesty, Her Heirs and Successors, which Visitatorial power shall, and may, be exercised by Commission, under the Great Seal of this Province, the proceedings, whereof, having been first confirmed by the Governor, or Person administering the Government of the Province in Council, shall be binding upon the said University and its Members, and all others, whomsoever.

Powers to be exercised by Commission.

Chancellor to be elected triennially by Convocation. Proviso: to be a subject of Her Majesty, and not an Ecclesiastic. Proviso: not to hold any other educational employment.

V. *And be it enacted*, That there shall be a Chancellor of, in and for the said University, who shall be elected by a majority of voices in open Convocation, and shall hold office for the period of three years: Provided always, nevertheless, *firstly*, that the person so to be elected Chancellor shall be a natural born, or naturalized, Subject of Her Majesty, and shall not be a Minister, Ecclesiastic, or Teacher under, or according to any form, or profession of Religious Faith, or Worship, whatsoever; and provided also, *secondly*, that, at the time of his election, or while he shall continue Chancellor, he shall not hold any other office, place, or employment, either in the said University, or in any other University, College, Seminary, School, or place of Learning, or Education, in this Province, or elsewhere.

Vice-Chancellor to be elected, annually by Senate.

VI. *And be it enacted*, That there shall be a Vice-Chancellor, of, in and for the said University, who shall be, or shall have been, a Professor of, and in the same, and shall be elected annually by the Senate of the said University:

Provided always nevertheless, *firstly*, that the person, so to be elected Vice-Chancellor, shall be a natural born, or naturalized, Subject of Her Majesty, and shall not at the time of his election, or while he shall continue Vice-Chancellor, hold any office, place, or appointment in any other University, College, Seminary, School, or place of Learning, or Education, in this Province or elsewhere; and provided also, *secondly*, that the election of any Professor of the said University to be Vice-Chancellor, as aforesaid, shall not, in any way, affect any Professorship, or Professorships, that he may then hold, but the same shall continue to be held by him, as if he had not been elected such Vice-Chancellor; and provided also, *thirdly*, that such Vice-Chancellor shall, during the time, that he shall hold such office, reside within the said University, or, if permitted so to do, by any Statute of the said University to be passed for that purpose, then, in such place as may be prescribed by such University Statute.

Proviso: to be a subject of Her Majesty.
Proviso: his election not to prevent his being also a Professor.
Proviso: to reside in University, unless permitted by Statute to reside elsewhere.

VII. *And be it enacted*, That there shall be a President of, in and for, the said University, who shall be appointed by the Crown, under the Great Seal of the Province;

President to be appointed by Crown.

Provided always nevertheless, *firstly*, that the Person so to be appointed President shall be a natural born, or naturalized, Subject of Her Majesty, and shall not, at the time of his appointment, or while he shall continue President thereof, hold any office, place, or appointment in any other University, College, Seminary, School, or place of Learning, or Education, in this Province, or elsewhere; and provided also, *secondly*, that such President shall, during the time, that he shall hold such office, reside within the said University, or, if permitted so to do, by any Statute of the said University, to be passed for that purpose, then, in such other place as may be prescribed by such University Statute; and provided also, *thirdly*, and lastly, that, during the vacancy of the office of President of the said University, such temporary provision shall and may be made by the Caput of the said University for the performance, in the best manner, in their power, of the duties attached to such office as shall, or may, be directed, or appointed by any University Statute to be passed, for that purpose.

To be a subject of Her Majesty and not to hold any other educational office.
To reside in University, unless permitted to reside elsewhere.
Provision for supplying temporary vacancy.

VIII. *And be it enacted*, That it shall and may be lawful for the [Vice-Chancellor, with the assent of the Senate] *Convocation, to appoint annually*, a Pro-Vice-Chancellor, who shall be authorized to perform the duties of the said office of Vice-Chancellor, whenever the said Vice-Chancellor shall, from illness, or otherwise, be unable to perform the same himself.

Convocation to appoint a Pro-Vice-Chancellor yearly.
His duties.

IX. *And be it enacted*, That the Vice-Chancellor of the said University, or, in his absence, the Pro-Vice-Chancellor, while actually performing the duties of Vice-Chancellor, shall take precedence next after the Chancellor thereof and the President of the said University next after the Vice-Chancellor, or Pro-Vice-Chancellor, while so actually performing the duties of Vice-Chancellor, and the Pro-Vice-Chancellor, except as aforesaid, next after the President: And the Professors, Officers, Members and Servants of the said University in such order as shall, or may from time to time, be fixed by any Statute of the said University to be passed for that purpose.

Precedence of Vice-Chancellor and other officers.

X. *And be it enacted*, That it shall be the duty of the Vice-Chancellor of the said University, in subordination to the Senate thereof, to maintain and enforce the observance of the Statutes of the said University by the President and Professors and other Members thereof, and to maintain and enforce all necessary discipline therein, in regard to such President, Professors and Members, by admonitions and otherwise, as shall, or may, by Statute of the said University, be provided in that behalf, together with all such other duties, consistent with the powers by this Act conferred upon other Officers of the said University, as shall, or may, by any such Statute be directed, or provided, or to the said office attached:

Duties of Vice-Chancellor.
Duties to be designed by Statute.

Provided always, nevertheless, that nothing herein contained, shall be construed to interfere with the power over the [undergraduates] *Students and Members in "Statû pupillari"* of the said University, hereinafter conferred upon the President thereof.

Proviso: powers not to interfere with those of President.

XI. *And be it enacted*, That it shall be the duty of the President of the said University, in sub-ordination to the Caput and Senate thereof, to exercise a general superintendence over all the [undergraduates] *Students and Members in "statû pupillari"* of the said University, and over all the Officers and Servants of the same, and over the studies, *lectures, examinations, exercises*, and literary pursuits prescribed to such under-graduates by, or under, the authority of the Statutes of the said University, *saving always, nevertheless, the powers and privileges by this Act conferred upon the Deans and Faculties of the said University*, with all such other duties, as consistent-

Duties of President.

Duties to be assigned by Statute—

ly with the powers by this Act conferred upon other Officers of the said University shall, or may, by any such Statute be directed, or provided, or to the said office attached.

No Faculty, or Professorship, of Divinity—

XII. *And be it enacted*, That there shall be no Faculty of Divinity in the said University, nor shall there be any Professorship, Lectureship, or Teachership, of Divinity in the same, *but that the present Faculty of Divinity shall have power to confer degrees in Divinity upon such Students, and other Members of the said University, as have hitherto been, or, at present, are pursuing their studies in that Faculty on their becoming entitled to such Degrees, according to the existing Statutes of the said University, as far as the requirements of such Statutes shall be capable of being complied with, after the passing of this Act, which Degrees shall be as valid and effectual to all intents and purposes whatsoever, as if they had been conferred by the said University previous to the passing of this Act, except that their date shall for all purposes relating to the standing of the parties, on whom they shall be conferred, be reckoned from the time at which they shall have actually been conferred, by such Faculty.*

The present Faculty may confer Degrees on present Students—

Three Faculties, Law and Medicine and Arts with Deans and power of making By-Laws.

XIII. *And be it enacted*, That there shall be in the said University three Faculties, to be called the Faculty of [Law, Medicine and Arts] *Arts, Law and Medicine*, respectively, each of which Faculties shall be composed of such of the Professors as shall be fixed by any University Statute to be passed for that purpose, and shall be presided over by a Dean, to be elected annually from among the Professors composing such Faculty, and each of such Faculties shall and may, moreover, make such By-laws as they may think proper for the Government of such Faculty, such By-laws not being contrary to this Act, or to the Charter, or Statutes, of the said University;

Proviso: By-laws to require assent of Senate—

Provided always nevertheless, that no such By-law shall be of any force, or effect, until approved by the Senate of the said University, at a meeting thereof to be called for the purpose of considering the same.

Proviso: Casting vote in the election of Dean—

Provided always, that if, in the election of a Dean, the votes be equally divided, the Senior Professor of such Faculty shall, have an additional, or casting, vote in such election.

Caput of five members, President, three Deans, and fifth Member, appointed by Convocation. Quorum: Who shall preside—

XIV. *And be it enacted*, That there shall be in the said University, a Council of five Members, to be called the Caput of the said University, which Caput shall consist of the President of the said University for the time being, the Deans of the three Faculties of [Arts, Law and Medicine] *Law, Medicine and Arts*, and a fifth Member to be appointed to such Council [annually by the Vice-Chancellor] *by the Convocation* of the said University *annually*, of which Caput any four Members shall be a quorum, for the despatch of business, in which said Caput the President of the said University, or, in his absence, the Deans of Faculty, in the order above mentioned, shall preside.

General powers and duties, etcetera, of Caput—

XV. *And be it enacted*, That the ordinary, general discipline, and government of the said University, in subordination to the Senate thereof, shall be vested in and exercised by the Caput of the said University, and that all the acts of the Vice-Chancellor, or President, is, or shall be intrusted with separate, distinct and independent powers, either by this Act, the Charter of the said University, or some Statute thereof, shall be under the direction and subject to the control of the said Caput, which, except as before excepted, shall have full power to make orders and give directions in all such matters, subject nevertheless to an appeal to the Senate of the said University in all matters directly affecting any of the Professors, or Officers thereof, or involving the expulsion of any Member from the said University:

Appeal to the Senate in certain cases.

Proviso: Exercise of such powers may be regulated by Statute.

Provided always, nevertheless, that the mode and manner of exercising the powers hereby vested in the said Caput shall and may, from time to time, be regulated and directed by Statutes of the University to be passed for that purpose.

Caput to report annually to Senate and transmit a duplicate to the Governor.

XVI. *And be it enacted*, That it shall be the duty of the said Caput, to make an Annual General Report to the Senate of the said University, on the general state, condition, progress and prospects of the said University, and all things touching the same, and to make such suggestions as they may think proper for the improvement of the same, a duplicate of which said Report such Caput shall transmit to the Governor, or Person administering the Government of the Province for the time being, through the Provincial Secretary thereof.

Of whom the Senate shall consist—

XVII. *And be it enacted*, That there shall be, in the said University, a Deliberative Body, to be called the Senate of the said University, which shall consist of the Chancellor, Vice Chancellor, the President, and all the Professors of the said University, and of twelve, or more, additional Members, who shall be appointed to seats in the same, one half thereof by the Crown, and the other half thereof, by such Colleges in Upper Canada as now are, or hereafter shall be incorporated, with

the power of conferring Degrees in Divinity, and not in the other Arts, or Faculties, each of which additional Members, except those, who shall be first appointed to such seats under this Act, and those, who shall be appointed to fill such seats for the residue of the term of office of their immediate predecessors respectively, shall hold his seat, in the said Senate, for a term of three years, and shall be appointed to, and vacate the same according to a cycle, to be established by a Statute of the said University, to be passed for that purpose, and which shall make such provision for the same as shall insure, that, as nearly as may be, one-third of the said additional Members, so to be appointed by the Crown as aforesaid, and also one-third of the said additional Members, so to be appointed by the said Colleges, shall respectively vacate their seats in such Senate, every year :

Term of office of additional Members—

Provided always, nevertheless, *firstly*, that fifteen Members shall be a quorum, for the despatch of business, and that the Chancellor, and in his absence the Vice-Chancellor, and the absence of both the Pro-Vice-Chancellor, and in the absence of all, then the President of the said University shall preside at all meetings of the said Senate, and in the absence of all such Officers, then such other Member of the said Senate, as shall be appointed for that purpose for the time ; And provided also, *secondly*, that no person shall be qualified to be appointed by the Crown to any such seat in the said Senate, who shall be a Minister, Ecclesiastic, or Teacher, under, or according to any form, or profession, of Religious Faith, or Worship, whatsoever ; and provided also, *thirdly*, that no person shall be qualified to be appointed, either by the Crown, or by any such Incorporated College to a seat, in the said Senate, who shall not have taken the Degree of Master of Arts *or any Degree in Law, or Medicine*, in the said University, at least five years prior to the time of his appointment to such seat :

Proviso : Quorum and who preside—

Proviso : Crown not to appoint Ecclesiastics.

Qualification of Crown Senators or Colleges.

Provided always, nevertheless, *fourthly*, and lastly, that the restriction contained in the said last foregoing Proviso to this Section, shall not apply to any appointments to be made to such Senate prior to the year of our Lord, one thousand eight hundred and sixty.

Proviso not to apply before 1860.

XVIII. *And be it enacted*, That every such Incorporated College in Upper Canada, as is described in the next preceding Section of this Act, shall be entitled to appoint one other of such additional Members for every Member, that such Colleges shall be so entitled to appoint, respectively, as aforesaid, so that, in all time to come, the number of Crown Seats and the number of the Collegiate Seats in such Senate shall be equal :

Number of additional Members appointed by Colleges and the Crown to be always equal.

Provided always, nevertheless, *firstly*, that until, there shall be at least six such Incorporated Colleges in Upper Canada, entitled to appoint to seats in such Senate, according to the provisions of this and the next preceding Section of this Act, it shall and may be lawful for the Crown, besides appointing to the corresponding Crown Seats in such Senate, to appoint also to the six Collegiate Seats therein, or to so many of them, as there shall, or may, from time to time, be no such Incorporated College entitled to appoint to : And provided also, *secondly*, that, in making such appointments to such Collegiate Seats in such Senate, the Crown shall not be restricted in its choice, as by the second proviso to the said next preceding Section of this Act is provided.

Proviso : Crown to appoint to Collegiate Seats, until there are six Colleges entitled.

Proviso : Crown not restricted by second Proviso of Section 17.

XIX. *And be it enacted*, That the Senate of the said University shall have full power and authority to frame and make such Statutes, Rules and Ordinances, as they may think necessary, or expedient, touching, or concerning the good government of the said University, or touching, or concerning, the Professors and all others holding office in the same, the Studies, Lectures, Examinations, Exercises, Degrees in Arts and Faculties to be pursued, given, had, or held therein, and all matters touching the same ; and for the summoning and holding regular, or special, meetings of the Caput, and of the Senate, and for the times and mode of summoning and holding Convocations of the said University, and all matters relative to the same ; the duties of the Chancellor, and the residence and duties of the Vice-Chancellor and President of the said University ; the number, examination, residence, duties and order of precedence and seniority of the Professors of the said University ; the number of Fellowships, Scholarships, Exhibitions and other prizes of, and in, the said University, and all matters relative to the establishment of such Fellowships, Scholarships, Exhibitions and Prizes, and the Examination of Candidates for the same ; the number, residence, appointment and duties of all Officers and Servants of the said University, the management of the property and revenues thereof, the salaries, stipends, provision, fees and emoluments of, and for, the Vice-Chancellor, President, Professors, Fellows, Scholars, Officers and Servants of the said University, and, generally, concerning any other matter, or thing, for the well-being and advancement of the said

Powers of Senate to make Statutes for certain purposes.

Good Government of University, and Officers' studies.

Meetings of Caput.

Duties of Officers.

Fellowships, Officers and Servants.

Salaries and fees.

Altering By-laws.

University; and also, from time to time, to revoke, renew, augment, or alter, all, every, or any, of the said Statutes, Rules and Ordinances, as, to them, shall seem meet, or expedient:

Proviso: not to be repugnant to Law of Canada. Proviso: not to be proposed and passed at the same meeting. Proviso: Crown may disallow any Statute within two years.

Provided always, nevertheless, *firstly*, that such Statutes, Rules, or Ordinances, or any of them, shall not be repugnant to the Laws, or Statutes, of this Province: Provided also, *secondly*, that no such Statute, Rule, or Ordinance, shall be passed and adopted at the same Meeting at which it is, at first introduced and considered, but that a Second Meeting of the said Senate shall be specially convened for the passing and adopting any such Statute, Rule, or Ordinance: And provided also, *thirdly*, and lastly, that it shall, and may be lawful for the Crown, at any time within two years from the passing of any such Statute, Rule, or Ordinance, by Letters Patent, under the Great Seal of this Province, to disallow such Statute, Rule, or Ordinance, and, thereupon, every such Statute Rule, or Ordinance shall, from the date of such Letters Patent, stand repealed and be of no force, or effect, whatever.

Who shall be Members of the Convocation.

XX. *And be it enacted*, That the Chancellor, Vice-Chancellor, President, and Professors of the said University, *and all other Members of the Senate and Caput of the said University*, and all persons admitted in the said University to [any] the Degree of Doctor, or Batchelor in Law, or Medicine, or to that of Master in any of the other Arts, or Faculties, and who shall have paid, from the time of his admission to such Degree, the annual sum of twenty shillings of lawful money of Canada for and towards the support and maintenance of the said University, shall be and be deemed taken and reputed to be Members of the Convocation of the said University:

Proviso: that Honorary Degree not to confer a vote.

Provided always, nevertheless, that no person, upon whom an Honorary Degree, only, shall have been conferred by the said University, shall have any right, by virtue thereof, to vote as a Member of such Convocation.

Endowment Board constituted for the University and Upper Canada College.

XXI. *And be it enacted*, That there shall be, for the said University, and for the College and Royal Grammar School of Upper Canada College, a Body to be called: "The Endowment Board of the University of Toronto and of the College and Royal Grammar School of Upper Canada College," which shall consist of [three] *five* members, who shall hold their places at such Board, during the pleasure of the parties, in whom their appointment is hereby vested respectively, one of which Members shall be appointed by the Governor, or Person administering the Government of this Province, for the time being; one by the Senate of the said University, *one by the Caput thereof*, and one by the College Council of the said College and Royal Grammar School, *and one by the Masters of the said College and Royal Grammar School, or a majority of them, of which Board any three Members shall form a quorum for the despatch of business*:

Quorum. Proviso: Crown Member to be Chairman of Board and to hold no other office in the University, etcetera.

Provided always, nevertheless, *firstly*, That the Member of such Board, to be so appointed by the Governor, or Person administering the Government of the Province, as aforesaid, shall be the Chairman of such Board, and shall be so expressly named in the Instrument by which he shall be so appointed, which said Chairman of the said Board, shall be a person holding no Professorship, office, or employment, whatsoever in the said University, or in the said College, or Royal Grammar School, or in any other University, College, Collegiate Institution, School, or other place of Learning in this Province, or elsewhere, and shall not be a Member of the Senate, or Caput, of the said University, or of any other such University, College, Collegiate Institution, School, or other place of Learning, as aforesaid, nor shall he, during the time that he shall continue to be Chairman of such Board, be capable of being appointed to any such Professorship, Office, or other employment, whatsoever, either in the said University, or in the said College and Royal Grammar School, or in any such other University, College, Collegiate Institution, School, or other place of Learning as aforesaid, or to any seat in the Senate, or Caput, of the said University, or Council of the said College and Royal Grammar School, or in any other Council, Board, or Body, belonging to, or connected with the same, or any of them:

Proviso: Members to give security.

And provided, also, secondly, that each Member of such Board shall give such security for the proper discharge of his duty as shall be settled by a Statute of the University in that behalf.

Endowment Board to have charge of property, etcetera, of University.

XXII. And be it enacted, That it shall be the duty of the said Endowment Board, to take upon themselves the general charge, superintendence, and management of the whole property and effects, real and personal, of the said University under the direction of such University Statutes as shall, or may, be passed for that purpose:

Provided always nevertheless, *firstly* that nothing herein contained shall be construed to confer upon the said Endowment Board, a power to alienate any portion of the Endowment of the said University, contrary to the provisions of the Thirty-Seventh Section of this Act: And provided also, *secondly*, that such Endowment Board shall, from time to time, and at all times, as the same may be required, afford to the Governor, or Person administering the Government of this Province for the time being, and also to the Chancellor, Caput and Senate of the said University, or to such Committee, or Committees, of such Caput, or Senate, as they may respectively appoint for that purpose, all such information, respecting such property and effects, and the whole fiscal or financial, affairs of the said University, as the said Governor, or Person administering the Government of the Province, or the said Chancellor, Caput, or Senate, or any such Committee, or Committees, of such Caput, or Senate, shall, or may, from time to time, require— And provided also, *thirdly*, that such Board shall, in like manner, afford the like information to the Auditors, to be appointed annually for auditing the accounts of the said University: And provided also, *fourthly* and lastly, that it shall, moreover, be the duty of such Board, annually, to make a full report of the state of the property and effects of the said University, under their charge, superintendence and management, and generally of the whole fiscal, or financial, affairs of the said University, to the Senate of the said University, and at the same time, to transmit a duplicate of such Report to the Governor, or Person administering the Government of this Province, through the Provincial Secretary thereof.

Power to alienate Endowment, limited. Proviso: to give all information called for the Governor, by Caput, etcetera. To give like information to Auditors. Proviso: to make Annual, Fiscal Report to Senate, etcetera, to transmit duplicate to Governor, etcetera.

XXIII. *And be it enacted*, That there shall be two Auditors of Accounts of the said University, to be appointed annually, one by the Chancellor, or in default of such appointment, by the Vice-Chancellor of the said University, and the other by the Senate thereof, whose duty it shall be to examine and audit the Accounts of the said Endowment Board, as far as they regard the property and effects of the said University, and all other Accounts of the said University generally, and to make a Report upon the same, to the Senate of the said University, a duplicate of which Report, such Auditors shall transmit to the Governor, or Person administering the Government of the Province, for the time being, through the Provincial Secretary, thereof.

Two auditors to be appointed, and by whom; their duties; to report to Senate and send duplicate to Governor, etcetera.

XXIV. *And be it enacted*, That the Professors of the said University shall be appointed by the Crown, upon the report, or Resolutions, of the Senate of the said University, in the manner following, that is to say: Whenever any new Chair shall be established in such University, or whenever any Chair heretofore established in the same, shall become vacant, by death, or otherwise, it shall be the duty of the Caput of the said University, under, and subject to, such Regulations as may be established by the University Statute, to be passed for that purpose, to make known by public advertisement the fact of such Chair being vacant as aforesaid, the duties imposed by the Statutes of the said University upon the Incumbent of such Chair, together with the salary and emoluments belonging to the same, and requiring that the names, residence and additions, and also the testimonials of all Candidates for such Chair, should be transmitted to and deposited in the proper Office of the said University, by a day to be named in such advertisements; and it shall be the duty of the said Caput, on some day to be specially appointed for that purpose, after the day so fixed for the receipt of such applications, as aforesaid, to proceed to take the said testimonials of the different Candidates for such Chair into consideration, and thereupon, on the same, or on some subsequent, day, and with as much deliberation as may be, to make a Report, addressed to the Senate of the said University, upon the same; and the said Senate shall be specially called together by a notice addressed to each Member thereof, and sent to him through the Post Office, to take such Report into consideration; and it shall be the duty of the said Senate, upon (to make) full examination of such testimonials, and the Report of the Caput upon the same, and, if, in their discretion, they shall think fit so to do, or if the same shall be required by any Statute of the said University to be passed for that purpose, then, by personal, public, oral examination of such Candidates, and by all such other ways, methods and means, as shall, or may, be directed in that behalf by any such University Statute, to select [four] *three* of the Candidates for the said Chair, [who] *whom*, in their judgment, the said Senate shall deem best qualified to fill the same, with advantage to the said University, and to transmit the names of such [four] *three* Candidates, together with their testimonials, the Report of the Caput thereon, and their own Report, or Resolutions, adopting, qualifying, or dissenting from, such Report, or any part thereof, with their reasons therefor, and for the selection of such [four] *three* Candidates to the Governor, or Person administering the Government of this Province for the time being, through the

Appointment of Professors to be in the Crown out of three to be reported by Senate.

Manner of making the selection of such three.

Senate to examine testimonials, etcetera.

Provincial Secretary thereof; and it shall and may be lawful for the said Governor, or Person administering the Government of this Province for the time being, through the Provincial Secretary thereof; and it shall and may be lawful for the said Governor, or Person administering the Government of this Province for the time being, to appoint some one of the said [four] *three* Candidates, to fill such vacant Chair in the said University:

Proviso: interval between Caput's report and sitting of Senate thereon.

Provided always, nevertheless, *firstly*, that no sitting of the Senate of the said University, shall be held to take such testimonials and the Report of the Caput thereon, into consideration, or for the examination of the Candidates for such Chair, within a shorter period, than one calendar month after such Report of the said Caput shall have been prepared, and the notice of such sittings addressed to the different Members of the said Senate, delivered to the Post Office, as aforesaid: And provided also, *secondly*, that in case there shall not be as many as [four] *three*, of the said Candidates for such vacant Chair, whom the Senate shall in their judgment, deem qualified to fulfil the duties thereof, as aforesaid they shall nevertheless, still transmit the names of [four] *three* of such Candidates, if there shall have been so many, and shall, in so transmitting the same, state which of such [four] *three* Candidates, they do not deem sufficiently qualified to be appointed to such vacant Chair, as aforesaid, and the grounds of such opinion: And provided also, *thirdly*, and lastly, that, during the vacancy of any such Chair, such temporary provision shall and may be made by the Caput of the said University for the performance of the duties attached to the same, as shall or may be directed and appointed by any University Statute to be passed for that purpose.

Proviso: If three be not found capable of filling Chair, fact to be stated in report of Senate.

Proviso: temporary provision to be made during the vacancy.

Senate to have power to suspend a Professor.

XXV. *And be it enacted*, That it shall and may be lawful for the Senate of the said University, upon the Report of the Vice-Chancellor thereof, or upon that of a Committee of its own Members, to suspend any Professor of the said University from his office, for any just and reasonable cause to them appearing:

Proviso: Entry to be made of the grounds of suspension. Effect of suspension.

Provided always, nevertheless, *firstly*, that the grounds of every such suspension shall be entered and recorded at length on the books of the said Senate; and every Professor, so suspended, shall, thereupon, cease from the performance of his duties, and from the exercise of his rights, functions and privileges until, and unless, such suspension shall be removed by the Visitor of the said University under his Privy Seal: And provided also, *secondly*, that a copy, duly authenticated, of the entry and record of such suspension, and the grounds thereof, be forthwith transmitted to the said Visitor through the Provincial Secretary: and provided also, *thirdly*, that the continuance of any such suspension for a period of three calendar months continually, without any appeal by such Professor to the said Visitor, against such decision of the said Senate, shall, *ipso facto*, vacate such Professorship, as if the Professor so suspended were naturally dead: and provided also, *fourthly*, and lastly, that during every such suspension, such temporary provision shall and may be made by the Caput of the said University for the performmance, in the best manner within their power, of the duties of such suspended Professor, as is hereinbefore provided with respect to those of a vacant Chair.

Proviso: Copy to be sent to Visitor.

Proviso: Suspension for three months without appeal to vacate the Chair.

Proviso: Temporary provision for peformance of duties

Governor may remove any Professor on report of Senate.

XXVI. *And be it enacted*, That, if, upon the report of the Vice-Chancellor, or upon that of a Committe of their own Members, the Senate of the said University, after affording to the party all reasonable opportunity of being heard in his defence, shall report to the Governor, or Person administering the Government of this Province, for the time being, through the Provincial Secretary thereof, their opinion, that any Professor of the said University ought to be removed from his Professorship, and shall, in such report, set forth, at length, the grounds and reasons for such opinion, it shall and may be lawful for the Governor, or Person administering the Government thereof for the time being if he shall deem it just and proper so to do, by an Instrument under his Privy Seal, to remove such Professor from his Professorship, and, thereupon, such Chair shall be dealt with as if it had become vacant by the death of such Professor.

Examinations for Professorship or Degrees to be open, and by what examiners.

XXVII. *And be it enacted*, That the examinations of candidates for Professors, Chairs, and for Degrees in Arts and Faculties in the said University, shall be public, and shall be conducted by such, and so many, Examiners as shall, or may, be appointed by the Senate of the said University, according to the provisions of any University Statute, or Statutes, to be passed for that purpose.

Universty not to cionfer any Degree in Divinity—but in all the other Arts and Faculties—Proviso:

XXVIII. *And be it enacted*, That the said University shall have no power to confer any Degree in Divinity, but shall have full power and authority to confer all other Degrees in all other Arts and Faculties whatsoever, including Honorary Degrees, and Degrees *ad eundem*, and all other University powers and privileges, as fully and effectually to all intents and purposes whatsoever, as such power and

authority is held, possessed, or enjoyed, by the Universities of the United Kingdom of Great Britain and Ireland, or any of them :

As to Degrees, ad eundem.

Provided always, nevertheless, that Degrees, *ad eundum*, shall, by the said University, be conferred only, upon the Graduates of Universities within Her Majesty's Dominions, or on the Graduates of such Foreign Universities as shall, or may, from time to time be declared entitled to the said privilege by a Statute, or Statutes of the said University to be passed for that purpose.

No Religious Test required of persons admitted into University, or to any Officer therein—

XXIX. *And be it enacted*, That no Religious Test, or qualification, whatsoever, shall be required of, or appointed, for any person admitted, or matriculated, as a Member of such University, whether as a Scholar, Student, Fellow, or otherwise, or of, or for any person admitted to any Degree in any Art, or Faculty, in the said University, or of, or for any person appointed to any Office, Professorship, Lectureship, Mastership, Tutorship or other place, or employment, whatsoever, in the same, nor shall Religious Observances, according to the forms of any particular Religious Denomination, be imposed upon the Members, or Officers, of the said University, or any of them.

University not to borrow money except by Statute, nor without providing a Sinking Fund to pay off the Loan in twenty years.

Rank of such appropriation as a charge on the University Fund.

XXX. *And be it enacted*, That, it shall not be lawful for the Chancellor, Masters and Scholars of the University of Toronto, or for the said Endowment Board, on their behalf, to borrow any money on the security of the said University, or of the funds or other property, thereof, or otherwise howsoever, except under the authority of a Statute of the said University, by which Statute, there shall, at the *same* time, be appropriated, such an amount of the annual income of the said University, arising from the Interest and Dividends of money actually invested under the authority of the Thirty-eighth Section of this Act, as shall be sufficient to meet the annual interest upon such loan, and, in addition thereto, a sufficient sum *per centum*, *per annum*, upon the original principal of such loan, to constitute a Sinking Fund for the final redemption, satisfaction and discharge of the said original principal of such loan within, at least, twenty years from the time of the contracting of the same, and the annual interest of such loan, and the annual appropriation for such Sinking Fund, for the redemption and satisfaction thereof, shall constitute an extra charge upon the Income Fund of the said University, as hereinafter established, which, so long as any part of the said principal of such loan shall remain unpaid, shall take precedence of the fourth, fifth and sixth ordinary annual charges upon such Income Fund, as the same are respectively charged and imposed upon the same by the fortieth Section of this Act : and until such payment and satisfaction of the whole principal and interest of such loan, any University Statute, either Visitorial, or Senatorial, whereby such provision shall, or may be, attempted to be repealed, or altered, shall be null and void to all intents and purposes whatsoever.

Statute not to be repealed.

A copy of every Book, etcetera, published in the Province, to be presented to the Library of the University.

And of any further editions.

XXXI. *And be it enacted*, That a printed copy of the whole of any Book which shall be published in this Province, after the passing of this Act, whether consisting of the whole, or only a part, of a volume, if separately published, together with all maps, prints, or other engravings, belonging thereto, and of every pamphlet, sheet of letter press, sheet of music, map, chart, or plan, separately published, furnished and coloured in the same manner as the best copies of the same shall be published, and also of any second, or subsequent, edition which shall be so published, with any additions, or alterations, whether the same shall be in letter-press, or in the maps, prints, or other, engravings, belonging thereto, and whether the first edition of such book shall have been published before, or after, the passing of this Act, bound, sewed, or stitched, together, as offered for sale generally by the publisher thereof, and upon the best paper upon which the same shall be printed, shall, within six calendar months, after the same shall first be sold, published, or offered for sale, be delivered, on the part of the publisher, at the Library of the said University, and a receipt taken for the same from the Librarian, which receipt shall set forth the title and edition of such Book at length, and upon demand, be given by such Librarian to the person depositing such copy at the said Library ; and, on default of such delivery within the time aforesaid, the publisher of every such Book, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan, shall forfeit, besides the value of such copy which he ought to have delivered, a sum not exceeding Five Pounds, to be recovered by the Librarian, or other Officer, or Agent, of such Librarian, properly authorized for that purpose, for the use of the said University, to be applied for the augmentation of the said Library, to be recovered in a summary way on conviction before any two Justices of the Peace for the District, County, City, or place, where the publisher making default, shall reside, or be found, or in the name of the Chancellor, Masters and Scholars of the said University, in an action of debt, or other proceeding, of the like nature, in any Court of competent jurisdiction in this Province, in which

Penalty for not presenting such copy.

How recoverable.

action the said University, if they shall recover, shall recover the costs reasonably incurred, to be taxed as between Attorney and Client.

Property of University vested in Corporation.

XXXII. *And be it enacted* That all the property and effects, real and personal, of what nature, or kind, soever now belonging to, or vested in, the said University, or in the Chancellor, President and Scholars thereof, or in any other person, or persons, or Body Corporate, or Politic, whatsoever, for the use or benefit of the said University shall be, and continue, vested in the Chancellor, Masters and Scholars of the University of Toronto, to hold to them and their successors, to the use of them and their successors forever, anything in the said Charter of his said late Majesty, in any Act of the Parliament of the late Province of Upper Canada, or of this Province, or in any letters Patent, Royal Charters, Deeds, or other Instruments, to the contrary thereof, in any wise notwithstanding.

Corporation to have power to sue for debts due the University, etcetera.

XXXIII. *And be it enacted*, That all debts due to the said University or to the Chancellor, President and Scholars thereof, in their Corporate capacity, and all judgments, recognizances, bonds, covenants and other instruments, or contracts, suffered, acknowledged or given to, or made with them, as aforesaid, or with the Chancellor, President and Scholars thereof, in their Corporate capacity, by whatsoever name the same may have been suffered, acknowledged, given, or made, or shall be available, stand and continue of good purport, and full force and strength to the Chancellor, Masters and Scholars of the University of Toronto, as if the said University had been therein named by the Corporate name hereby given to the same ; and it shall and may be lawful for the said University, by the Corporate name last aforesaid, to proceed upon the same, by execution, or otherwise, and recover thereon, as if the same had been suffered, acknowledged, or given to, or made, with them, by the name last aforesaid.

Corporation liable for all debts due by University.

XXXIV. *And be it enacted*, That the Chancellor, Masters and Scholars of the University of Toronto, shall, both in law and equity, be liable to all the present existing debts, contracts and agreements of the said University, and may be sued upon and recovered against for the same, as if the same had been contracted, or entered into, by them, by the name aforesaid.

Fiscal year to be the same as the calendar year.

XXXV. *And be it enacted*, That the Fiscal year of the said University shall commence on the first day of January, and end on the thirty-first day of December in each year.

Salaries to be payable quarterly.

XXXVI. *And be it enacted*, That the salaries of the different Professors, Lecturers, Teachers, Officers and Servants of the said University shall, by the Statutes establishing the same, be made payable quarterly, on the first quarter-days of such Fiscal year, that is to say, the first days of January, April, July, and October, in the same.

None of real property, etcetera, to be disposed of, but by Statute.

XXXVII. *And be it enacted*, That none of the real property of the said University, and none of the property thereof invested, according to the directions of either the thirty-eighth, or forty-second Sections of this Act, shall be disposed of, or applied, otherwise than by authority of a Statute of the said University.

Proceeds of Sales of Lands, etcetera to form our Investment Fund—

How to be invested.

XXXVIII. *And be it enacted*, That the proceeds arising from the sales of any of the Lands referred to, in the thirty-seventh Section of this Act, which it shall, from time to time be deemed expedient by the said University to sell and dispose of, and all moneys received upon investments called in, or paid off, together with any surplus of the income over the expenditure of the said University as provided by the forty-second Section of this Act, shall form a Fund, to be called in the Books of the said University "The University Investment Fund," the moneys at credit of which Fund shall, from time to time, be invested in such Government, or landed, securities as shall be approved of by the Senate of the said University.

Annual Income, etcetera, to form Income Fund.

XXXIX. *And be it enacted*, That the annual income of the said University, arising from the fees and dues payable to the same, for Matriculation, Lectures, Tuition, Degrees, or otherwise, or from such portion thereof, as by any Statute, or Statutes, of the said University, shall be payable into the General Funds of the said University, and not to the Professors, or Officers thereof, and from the annual, or other periodical rents, interests, and dividends arising from the property and effects of the said University, of what nature, or kind soever, whether real, or personal, together with all such annual, or other donations, or subscriptions, as may be made to the said University for the general benefit thereof, without being specifically appointed by the Donor to any particular object, or purpose, shall form another Fund, to be called "The University Income Fund," the moneys at the credit of which last mentioned Fund shall be appropriated and applied to make good and satisfy the several charges by the next following Section of this Act, charged and imposed upon the said Fund, in the order in which such charges are therein charged and imposed upon the same.

How to be appropriated and applied.

Order of Charges upon the Income Fund.

XL. *And be it enacted*, That the *first* annual charge upon the said "University Income Fund," shall be the necessary expenses incurred in the receipt, collection and management of the moneys of the said University, as well as those constituting the Investment Fund, as those constituting the said Income Fund: the *second* charge upon such Income Fund shall be the necessary outlay for taxes, insurance and repairs of the Buildings and other property of the said University: The *third* charge upon such Income Fund, shall be the salaries of the Bursar, Librarian, and other similar Officers, or those of the Lecturers and other Teachers, not being Professors, and the salaries, wages, and allowances of all subordinate Officers and Servants of the said University: The *fourth* charge upon the said Fund, shall be such sum of money, as by any Statute, or Statutes, of the said University, to be passed for that purpose, shall be annually appropriated for the Incidental Expenses of the said University, for the fiscal year, or so much of such sum, as shall be required for such Incidental Expenses: The *fifth* charge upon such fund, shall be the salaries of the Vice-Chancellor, President and Professors of the said University, and so much of those of the Members of the Endowment Board of the said University and College, as shall be payable out of the Funds of the said University; and the *sixth* and last charge, such special appropriations out of the said Income Fund for such year, as shall have been directed to be made, by any Statute of the said University, passed for that purpose.

First.

Second.

Third.

Fourth.

Fifth.

Sixth.

Deductions from salaries to meet deficiencies of Income.

XLI. *And be it enacted*, That, whenever the Income Fund of the said University, for any year, shall not be sufficient to satisfy and discharge the different charges upon the same, for such year, as herein provided, the amount of the deficiency for such year, shall be *supplied from the surplus Income Fund, which has not yet been carried to the Investment Fund, or shall be* deducted in equal proportions from all the salaries, constituting the fifth annual charge upon such Fund for the following year, by proportionate quarterly deductions from such salaries as the same become respectively payable at each financial quarter of such following year:

Proviso: Such deductions to be made up out of any surplus during the six following years.

Provided always nevertheless, *firstly*, that the parties, whose receipts of salary may have been diminished by such proportionate deductions, as aforesaid, shall be entitled to have such deficiency made good in part, or in the whole, as the case may be, out of any surplus, or surplusses, of income over expenditure, that may accrue during the [five] *six* years next ensuing that in which such proportionate deductions shall have been so made, as aforesaid: Provided also, *secondly*, that, for the deficiency thus occasioned in such salaries, and which, at the end of every [fifth] *sixth* year, may yet remain unsatisfied, as aforesaid, the Incumbents to whose Offices, or Chairs, such salaries shall be attached respectively, shall have no claim upon the said University, or upon the Funds thereof, but the amount of such salaries received by each of such Incumbents according to the provisions of this Act, shall be deemed and taken to have been received by him, in full satisfaction and discharge of the whole of his salary for such [five] *six* years, for which such proportion of the same shall have been paid to him as aforesaid.

Proviso: beyond which no claim shall extend.

Surplus of Income Fund to be transferred to the Investment Fund.

XLII. *And be it enacted*, That the surplus, if any, of the said "University Income Fund" after satisfying and discharging the several charges, whether ordinary, or extra, by this Act charged upon the same, shall be annually transferred to the "Investment Fund" of the said University, and, with the other moneys belonging to that Fund, shall be, from time to time, invested, as in and by the thirty-eighth Section of this Act is declared, so that there shall be no balance of the said Income Fund, to be carried forward from one fiscal year to the next.

Upon surrender by any existing College having University powers of all but the power of conferring Degrees in Divinity, it shall have the right to send a Member to the Senate.

XLIII. *And be it enacted*, That, so soon as any of the Incorporated Colleges, Collegiate Institutions, or Universities, in Upper Canada, having the power of conferring Degrees, not only in the Faculty of Divinity, but *in* the other Arts and Faculties also, shall have signified to the Governor, or Person administering the Government of this Province for the time being, under their Corporate Seal, their desire to become entitled to appoint a Member to the Senate of the said University, according to the provisions of this Act, in that behalf, it shall and may be lawful for the Crown, by Letters Patent under the Great Seal of the Province, reciting such Instrument, to declare so much of the Charter of such College, Collegiate Institution, or University, whether the same shall be granted by Parliament, or otherwise, as shall have been granted to, or vested in such College, Collegiate Institution, or University, the power of conferring such Degrees,—(saving always, nevertheless, to such College, Collegiate Institution, or University, the power of conferring Degrees in the Faculty of Divinity),—to be from the date of such Letters Patent, or from such other day as may be named therein, for that purpose, *to be* repealed, abrogated and annulled, and, thereupon, from such day all such powers and privileges, with the saving aforesaid, shall be, and the same are hereby, declared to be absolutely

Abrogation of powers surrendered.

repealed, abrogated and annulled, accordingly, any thing in the several Charters of such Colleges, Collegiate Institutions, or Universities, whether granted by the Parliament, or otherwise, to the contrary thereof, in any wise, notwithstanding.

Present Statutes of the University to remain in force till altered or repealed.

XLIV. *And be it enacted*, That all Statutes, Rules and Ordinances of the said first mentioned University in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force till repealed, altered, or amended, by some other Statute of the said University, either [Visitorial,] *Visitatorial*, or Senatorial, to be hereafter enacted, or passed, for that purpose.

Existing Degrees conferred or Terms kept confirmed.

XLV. *And be it enacted*, That nothing herein contained, shall be deemed, in any manner, to affect any Degrees conferred, or Terms kept, or studies, or exercises performed, in the said University, and the same shall be valid and effectual for all purposes whatsoever; and the same shall continue to be deemed Degrees conferred, and Terms kept, and studies and exercises performed, in the said University, as if this Act had not been passed.

Present Professors except the Professor of Divinity, to remain until removed.

XLVI. *And be it enacted*, That, with the exception of the Professor of Divinity, every Professor, Lecturer and Officer of the said University, now actually holding a Chair, or Office, in the same, shall continue to hold his Chair, Place, or Office, under a new Warrant, to be issued to him for the same, until he shall be removed therefrom in the manner prescribed by this Act:

Proviso: The Commission of Visitation may re-arrange the Chairs, etcetera.

Provided always, nevertheless, that nothing herein contained shall prevent, or be construed, to prevent the Commission of Visitation to be issued, as hereinafter directed, or any other such Commission of Visitation, or any University Statute to be passed for that purpose, for re-arranging such Chairs, or the duties attached to the same, respectively, or from adding to, varying, or deducting from, the duties of the Chair, or Chairs, held by any such Professor, Lecturer, or Teacher, in the said University, or from so altering, or varying, the amount of salary, or emolument, receivable by any such Professor, Lecturer, or Teacher, as shall be necessary to give effect to the provisions of this Act, for the prevention of the dissipation of the Endowment, or Capital Stock, of such University, and restricting its expenses and disbursements to the amount of its annual income from the same.

Or to vary the salaries.

Recital.

XLVII. And whereas for the purpose of adapting the Statutes of the said University to the alterations hereby made in the Charter thereof, it is desirable, that a Commission of Visitation should be issued, to consider of, and report upon, the same:

Commission of Visitation to be issued to adapt Statutes to alterations in Charter.

Be it, therefore, enacted, That so soon after the passing of this Act, as to the Governor, or Person administering the Government of the Province for the time being, shall seem expedient, a Commission of Visitation under the Great Seal shall be issued, directed to not less than five Commissioners, who shall be thereby directed to confer with the authorities of the said University upon the subject of such alterations and amendments in, or to, such Statutes, Rules, or Ordinances, as they shall think proper to recommend for this purpose, and, generally, for the well ordering of the said University, and, thereupon, to report a Code of proper Statutes, Rules and Ordinances for the Government of the said University, which Code, having been first approved by the Governor, or Person administering the Government of the Province for the time being, shall be obeyed in future, in the said University, until, by lawful authority, the same shall, or may, be amended, altered, or repealed.

Code reported and approved to be in force, etcetera.

Recital of the cases of certain Professors.

XLVIII. And whereas certain of the Professors of the said University claim to have been induced to give up certain preferments, or other pursuits, or employments, in which they were at the time engaged, and from which they were deriving their support, for the purpose of accepting certain of the Chairs in the said University under the expectation of such appointments being permanent, and, with the assurance, that the emoluments thereof would, at least, be equal to certain specified amounts respectively, and it is, therefore, expedient, that the cases of such persons, *and of others who can advance just claims to compensation for services performed to the said University*, should be specially enquired into and reported upon, with a view to ascertaining the merits of their respective cases, and how far, if their claims be found just, some reasonable satisfaction may be afforded them for such losses, as they may have sustained, or may sustain, from such expectations and assurances, not having been realized:

Commission of Visitation to consider cases of Professors, who have been

Be it, therefore, enacted, That the said Commissioners shall be directed by such Commission of Visitation to enquire into the case of any such person, upon the same being specially referred to them by the Governor, or Person administering the Government of the Province for the time being, through the Provincial Secretary

thereof, and, if, upon any such reference, they shall find any such person reasonably entitled to any such satisfaction, they shall report the same, and, if they shall deem proper, shall report one, or more, Statutes, Rules, or Ordinances, for providing for such satisfaction, if they shall find the Funds of the said University adequate to bear the same. disappointed in expectations held out to them, etcetera.

XLIX. *And be it enacted*, That the said Commissioners shall be further directed by the said Commission of Visitation to consider and report upon the best means of making the Chair of Agriculture, recently established in the said University, more efficient and useful; and to consider and report, generally, upon the best means of making the said University, as far as its funds will permit, the instrument of drawing forth and stimulating the talent of the youth of Upper Canada, by the establishment of Fellowships, Scholarships, Exhibitions, Prizes and other Rewards, and by such other means, as in their judgment, may be best adapted to such end. Commission of Visitation to report upon the Chair of Agriculture. And the establishment of Fellowships, etcetera.

L. AND, WHEREAS it is expedient to stimulate the youth of the Province to avail themselves of the benefit of a University Education, by the establishment of a certain number of Scholarships in the said University, for each County of Upper Canada, for the purpose of assisting, (as far as possible,) with pecuniary aid, those of the deserving youth of each County, whose parents may be unable to meet the expense necessarily attendant upon such an education: Recital.

Be it therefore, enacted, That it shall be the duty of the said Commissioners, in the Code of Statutes, so to be reported by them, as aforesaid, to provide for the establishment of four Scholarships, for each County in Upper Canada, so soon as the funds of the said University shall permit, and to regulate everything appertaining to the election, rights, priveleges and emoluments of such Scholars to be elected to the same: Commissioners to be directed to provide for Scholarships, etcetera.

Provided always, nevertheless, *firstly*, that the Scholars elected to fill such Scholarships shall be entitled to attend all Classes and Lectures in the said University, and enjoy all the advantages afforded therein, without payment of any fee, for the same: And that two of the four Scholarships, so to be founded for each County, shall be endowed from the University Funds, with such an annual stipend as, in the estimation of the said Commissioners, the said Funds may permit: Provided also, *secondly*, that no County shall be entitled to claim the benefit of the Scholarships to be so founded, or any of them, unless the Municipal Council of such County shall have provided, permanently, sufficient funds for the endowment of one, or both, of the Scholarships, to be so founded, but not endowed from University Funds, according to the rate fixed by such Commissioners: And, upon such provision being made by the Municipal Council of any County, the Senate of the said University shall proceed to fill up either one, or both, the said Scholarships according to the sum provided by the said Municipal Council, and shall, at the same time, according to circumstances, fill up either one, or both, the Scholarships to be endowed from University Funds; it being the intention of this Act, that the Scholarships to be endowed from University Funds shall only be filled up so far, and so long, as the several Counties respectively, shall provide Funds for the support of those to be endowed from those sources.—Provided also, *thirdly*, that the said Scholarships shall be filled up by the Senate of the said University upon public examination to be held before that Body by Examiners to be by them appointed, and the selection shall be made out of such a number of the Youth of each County, as shall have been admitted to contend for such Scholarships by the Certificate of the Municipal Council of such County: Provided also, *fourthly*, that no person shall be admitted as a Candidate for such Scholarships unless he shall have received a Certificate of birth, or residence, from the Municipal Council of the County to which such Scholarships shall belong, as aforesaid.—And provided also, *fifthly*, that no person shall be deemed one of the Youth of any given County, within the meaning of this Section, unless he shall have been born in such County, or unless his parents, or surviving parent, or one of them, shall have been a stated resident of such County for five years continually prior to the granting of such Certificate, and shall, at the time of granting such certificate, be still stated residents, or a stated resident thereof, or, if they be both dead, then, unless they, or the survivor of them, shall have been such stated resident for the five years next preceding and at the time of their death or the death of the survivor of them. Provided also, *sixthly*, [and lastly] that every such Certificate shall remain in force for one year from the granting thereof, and no longer, *after which it shall and may be renewed if the party remains entitled to it, as at the first: And provided also seventhly and lastly, that it shall and may be lawful for such Commissioners, and they are hereby, required to make provision for preserving all Scholarships now existing in the said* Proviso: Scholars to attend classes gratis, and some to have stipends — Proviso: Conditions on which a County shall have the benefit of Scholarships. Proviso: Scholarships to be filled up on Public Examination. Certificate of Birth or residence required. Who to be deemed the Youth of a given County. Certificate to be required. Proviso: duration of Certificate. Proviso: for conversation of present Scholarships.

University on their present footing, for the space of five years next after the passing of this Act for the benefit of such persons as have already commenced a course of study, with a view to compete for the same, or have obtained any such Scholarships.

III. UPPER CANADA COLLEGE AND THE ROYAL GRAMMAR SCHOOL.

LI. And whereas, by the said Act of 1837, passed in the Seventh year of the Reign of His late Majesty, King William the Fourth, it was, amongst other things, enacted, That the College, then lately erected in the City of Toronto, should be incorporated with, and from an Appendage of the said University, to confer upon it a more independent organization for the regulation of its own affairs, than it at present possesses :

Upper Canada College and Royal Grammar School to remain an Appendage of University under a separate organization—and incorporated.

Corporate name and powers.

Be it enacted, That the Principal, Masters and Scholars of the said College, for the time being, shall henceforth, by, and under, the name of the "Principal, Masters and Scholars of Upper Canada College, and Royal Grammar School," by a Body Corporate and Politic, in fact and in name, and shall have perpetual succession and a Common Seal, with power to change, alter, or make anew, the same ; and shall and may, by the name aforesaid, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and be answered unto, in all courts and places whatsoever : and that they, and their Successors, by and under the name aforesaid shall be able and capable in law of purchasing, acquiring, taking, having, holding and enjoying by gift, grant, conveyance, devise, bequest, or otherwise, to them and their Successors, any estate, or property, real, or personal, to and for the use of the said College and Royal Grammar School, or to, for, or in trust for, any other use, or purpose whatsoever, in any way connected with the advancement of Education, and of letting, conveying, or otherwise disposing thereof, from time to time, as they may deem necessary or expedient.

Governor to be Visitor, etcetera.

Power to be exercised by Commission.

LII. *And be it enacted*, That the Governor, or Person administering the Government of this Province, for the time being, shall be the Visitor of the said College and Royal Grammar School, on behalf of Her Majesty, Her Heirs and Successors, which Visitorial Power shall and may be exercised by Commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor, or Person administering the Government of this Province in Council, shall be binding upon the said College and Royal Grammar School, and all others whomsoever.

Principal to be appointed by Crown on recommendation of Senate of University.

LIII. *And be it enacted*, That there shall be in the said College and Royal Grammar School, a Principal who shall be appointed by the Crown, upon the Report, or Resolution, of the Senate of the said University, made upon the proceedings and in the manner hereinbefore provided for in respect of the appointment to Chairs in the said University :

Proviso : to be a subject of Her Majesty and not hold any other educational appointment.

Proviso, as to Residence in College, etcetera.

Proviso, as to performance of duties during any vacancy.

Provided always, nevertheless, *firstly*, that the person so to be appointed Principal, shall be a natural born, or naturalized, subject of Her Majesty, and shall not, at the time of his appointment, or while he shall continue Principal thereof, hold any office, place, or appointment, in any other University, College, Seminary, School, or place of Learning, or Education, in this Province, or elsewhere : And provided also, *secondly*, that such Principal shall, during the time that he shall hold such office, reside within the said College and Royal Grammar School, or, if permitted so to do by any Statute of the said College and Royal Grammar School, to be passed for that purpose, then, in such other place as may be prescribed by such Collegiate Statute : and provided also, *thirdly* and lastly, that, during the vacancy of the office of Principal of the said College, or Royal Grammar School, such temporary provision shall and may be made by the Council of the said College and Royal Grammar School for the performance, in the best manner in their power, of the duties attached to such office, as shall, or may, be directed, or appointed, by any College Statute to be passed for that purpose.

Ordinary general discipline, etcetera, in whom vested.

Proviso :

LIV. *And be it enacted*, That the Ordinary General Discipline and Government of the said College and Royal Grammar School, in subordination to the Council thereof, shall be vested in and exercised by the Principal thereof :

Provided always, nevertheless, *firstly*, that *the Principal is hereby directed* in all matters *and cases that, in his judgment, shall appear of weight and importance, to confer upon the same with the Senior Master of the said College and Royal* Grammar School for the time being ; and

Appeal to Council in certain cases.

Provided always, also, *secondly* that, in all matters directly affecting any of the Masters of the said College and Royal Grammar School, or involving the expulsion of any member from the same, an appeal shall lie from the decision of the said

Principal to the Council of the said College ; And provided always also, [secondly,] *thirdly* that the mode and manner of exercising the powers, hereby vested in the said Principal, shall and may, from time to time, be regulated and directed by Statutes of the said College and Royal Grammar School, to be passed for that purpose.

Proviso : Exercise of their powers may be regulated by Statute.

LV. *And be it enacted*, That it shall be the duty of the Principal of the said College and Royal Grammar School to make an Annual General Report to the Council thereof on the general state, condition, progress and prospects of the said College, and all things touching the same, and to make such suggestions, as he may think proper, for the improvement of the same ; a duplicate of which said Report, the said Principal shall transmit to the Governor, or Person administering the Government of this Province for the time being, through the Provincial Secretary thereof.

Principal to report annually to College Council and transmit duplicate to the Governor.

LVI. *And be it enacted*, That there shall be in the said College and Royal Grammar School, a Deliberative Body, to be called "The College Council" thereof, which shall consist of the Principal of the said College and Royal Grammar School, for the time being, when such office shall not be vacant, and the two Senior Masters of the said College and Royal Grammar School, not being the Principal thereof, together with two other Masters thereof. *Four other persons* to be appointed by the Crown, during pleasure, of which Council any [four] *three* Members shall be a Quorum for the despatch of business :

College Council how constituted.

Quorum.

Provided always nevertheless, *firstly*, that no person shall be qualified to be appointed by the Crown to such seat in the said Council who shall be a Minister, Ecclesiastic, or Teacher, under, or according to, any form, or profession of Religious Faith, or Worship, whatsoever ; and provided also, *secondly*, that no person shall be qualified to be so appointed who shall not have taken the Degree of Master of Arts in the said University of Toronto, at least five years prior to the time of his appointment to such seat : and provided also, *thirdly*, and lastly, that the restriction contained in the said last foregoing Proviso to this Section shall not apply to any appointment to be made to such Council prior to the year of Our Lord one thousand eight hundred and sixty.

Proviso : Crown members not to be Ecclesiastics.

Proviso : Qualification of Crown Members.

Proviso : last Proviso not to take effect till 1860.

LVII. *And be it enacted*, That the Principal of the said College shall *have the power of calling special meetings of the said Council, and shall* preside at all meetings of the said Council, at which he shall be present, and that, in his absence, the Senior [Master] *Member of the said Council*, present, shall preside in his place.

Who shall callse and preside at such meetings of the Council.

LVIII. *And be it enacted*, That the Council of the said College and Royal Grammar School shall have full power and authority to frame and make such Statutes, Rules and Ordinances as they may think necessary, or expedient, touching, or concerning, the good government of the said College and Royal Grammar School, or touching, or concerning the different Masterships and Teacherships in, or belonging to, the same, including that of the Principal ; the studies, examinations and exercises to be pursued, had, or held, therein, and all matters touching the same ; and for summoning and holding regular, or special, meetings of the said Council, and all matters relative to the same ; the duties of the Principal, and the residence and duties of the Principal, Masters and Teachers of said College and Royal Grammar School ; the number of Exhibitions and other Prizes of and in the said College and Royal Grammar School, and all matters relative to the creation of, examination for, and conferring, of the same ; the number, residence, appointment and duties of all the Officers and Servants of the said College and Royal Grammar School ; the management of the property and revenue thereof ; the salaries, stipends, provision, fees and emoluments of, and for, the Principal, Masters, Teachers, Officers and Servants of the said College and Royal Grammar School, and, generally, concerning and other matter, or thing, for the well being and advancement of the said College and Royal Grammar School ; and also, from time to time, to revoke, renew, augment, or alter, all, every, or any, of the said Statutes, Rules and Ordinances, as to them shall seem meet, or expedient.

Council to make College Statutes, etcetera, for certain purposes.

Meeting of Council.

Duties of Principal, etcetera.

Officers and Servants.

Salaries, fees, etcetera.

Altering Statutes.

Proviso : Statutes not to be repugnant to law.

Provided always, nevertheless, *firstly*, that such Statutes, Rules, or Ordinances, or any of them, shall not be repugnant to the laws, or Statutes, of this Province : Provided also, *secondly* that no such Statute, Rule, or Ordinance, shall be passed and adopted at the same meeting at which it is first introduced and considered, but that a second meeting of the said Council shall be specially convened for the passing and adopting any such Statute, Rule and Ordinance : and provided also, *thirdly*, That no such Statute, Rule or Ordinance, shall have any force, or effect, until it shall have been approved by the Caput of the said University : and

Proviso : Not to be passed and proposed at the same meeting.

Proviso : to be approved by Caput of University.

Provided always, also, *fourthly*, and lastly, That it shall and may be lawful for the Crown, at any time within two years from the passing of any such Statute,

Proviso: Crown may disallow any Statute within two years.

Rule, or Ordinance, by Letters Patent, under the Great Seal of this Province, to disallow such Statute, Rule, or Ordinance, and, thereupon, every such Statute, or Ordinance, shall, from the date of such Letters Patent, stand repealed, and be of no force, or effect, whatsoever.

Endowment Board to have charge of property of College.

LIX. *And be it enacted*, That it shall be the duty of the Endowment Board of the said University and College to take upon themselves the general charge, superintendence and management, of the whole property and effects, real and personal, of the said College and Royal Grammar School, under the direction of such College Statutes as shall, or may, be passed for that purpose:

Proviso: to give all information required by Governor, Principal of College etcetera.

Provided always, nevertheless, *firstly*, that such Endowment Board shall, from time to time, and at all times, as the same may be required, afford to the Governor, or Person administering the Government of this Province for the time being, and also to the Principal and Council of the said College, or to such Committee, or Committees, of such Council as they may appoint for that purpose, all such information respecting such property and effects, and the whole fiscal, or financial, affairs of the said College and Royal Grammar School, as the said Governor, or Person administering the Government of the Province, or the said Principal, or Council, or any such Committee, or Committees, of such Council shall, or may, from time to time, require: And provided also, *secondly*, that they shall, in like manner, afford the like information to the Auditors to be appointed annually for auditing the accounts of the said College and Royal Grammar School: and provided also, *thirdly*, and lastly, that it shall, moreover, be the duty of such Board, annually, to make a full report of the state of the property and effects under their charge, superintendence and management, and of the whole fiscal, or financial, affairs of the said College, to the Council of the said College and Royal Grammar School, and, at the same time, to transmit a duplicate of such Report to the Governor, or Person administering the Government of this Province, through the Provincial Secretary thereof.

Proviso: The like to Auditors.

To make an annual report to the Council and transmit duplicate to the Governor.

Two auditors to be appointed to report to College Council and transmit duplicate to Governor.

LX. *And be it enacted*, That there shall be two Auditors of Accounts of the said College and Royal Grammar School, to be appointed annually, one by the Principal of the said College, and the other by the College Council thereof, whose duty it shall be to examine and audit the accounts of the said Endowment Board, as far as they regard the property and effects of the said College and Royal Grammar School generally, and to make a Report upon the same to the Council of the said College, a duplicate of which Report, such Auditors shall transmit to the Governor, or Person administering the Government of the Province, for the time being, through the Provincial Secretary thereof.

Masters to be appointed by Crown.

LXI. *And be it enacted*, That the Masters of the said College and Royal Grammmar School shall be appointed by the Crown.

Senate of University may suspend Principal or Masters.

LXII. *And be it enacted*, That it shall and may be lawful for the Senate of the said University of Toronto, upon the report of the Caput thereof, or upon that of a Committee of its own Members, to suspend the Principal of the said College and Royal Grammar School, or any of the Masters thereof, from his office, for any just and reasonable cause to them appearing;

Proviso: Grounds to be entered on Books of Senate.

Provided always, nevertheless, *firstly*, that the grounds of every such suspension shall be entered and recorded at length on the Books of the said Senate, and such Principal, or Master, so suspended shall, thereupon, cease from the performance of his duties, and from the exercise of his rights, functions and privileges, until, and unless, such suspension shall be removed by the Visitor of the said College and Royal Grammar School under his Privy Seal: And provided also, *secondly*, that,

Proviso: Copy of entry, etcetera, to be transmitted to the Visitor.

a copy, duly authenticated, of the entry and record of such supension, and the grounds thereof, be forthwith transmitted to the said Visitor through the Provincial Secretary; And provided also, *thirdly*, that the continuation of any such

Proviso: suspension for three months without appeal to vacate.

suspension for a period of three calendar months continually, without any appeal by such Principal, or Master, to the said Visitor, against such decision of the said Senate, shall, *ipso facto*, vacate such Principalship, or Mastership, as if the party, so suspended, were naturally dead; And provided also, *fourthly*, that during every such suspension, such temporary provision shall and may be made by the Council of the said College and Royal Grammar School for the performance in the best manner within their power, of the duties of such Principalship, or Mastership, as

Proviso: temporary provision to be made for performance of duties.

hereinbefore provided with respect to those of a vacant Chair in the said University.

Governor may remove

LXIII. *And be it enacted*, That if, upon the report of the Caput, or upon that of a Committee of their own Members, the Senate of the said University, after affording the party all reasonable opportunity of being heard in his defence, shall report to the Governor, or Person administering the Government of this Province, for the time being, through the Provincial Secretary thereof, their opinion that

the Principal of the said College and Royal Grammar School, or any of the Masters thereof, ought to be removed from his office, and shall, in such Report, set forth at length, the grounds and reasons for such opinion, it shall and may be lawful for the Governor, or Person administering the Government, for the time being, if he shall deem it just and proper so to do, by an Instrument under his Privy Seal, to remove such Principal, or Master, from his said office and, thereafter, such office shall be dealt with as if it had become vacant by the death of such Principal, or Master. Principal and Masters on report of Senate of University.

LXIV. *And be it enacted*, That no Religious test, or qualification, whatsoever, shall be required of, or appointed, for any person admitted as a Member of such College and Royal Grammar School, whether as a Scholar, Student, Fellow, or otherwise, or of, or for any person appointed to any office, Mastership, Teachership, or other place, or employment, whatsoever in the same; nor shall Religious Observances, according to the forms of any particular Religious Denomination, be imposed upon the Members, or Officers, of the said College and Royal Grammar School, or any of them. No Religious Test, to be required. No Religious observances imposed.

LXV. *And be it enacted*, That it shall not be lawful for the Principal, Masters and Scholars of the said College and Royal Grammar School, or for the Endowment Board of the said University and College, on their behalf, to borrow any money on the security of the said College and Royal Grammar School, or of the Funds, or other property thereof, or otherwise howsoever, except under the authority of a Statute of the said College and Royal Grammar School, by which Statute, there shall, at the same time, be appropriated such an amount of the annual income of the said College and Royal Grammar School, arising from the interest and dividends of money actually invested under the authority of the seventy-second Section of this Act, as shall be sufficient to meet the annual interest upon such loan, and, in addition thereto, a sufficient sum *per centum*, *per annum*, upon the original principal of such loan, to constitute a Sinking Fund for the final redemption, satisfaction and discharge of the said original principal of such loan, within at least twenty years from the time of the contracting of the same, and the annual interest of such loan: and the annual appropriation of such Sinking Fund, for the redemption and satisfaction thereof, shall continue an extra charge upon the Income Fund of the said College and Royal Grammar School, as hereinafter established, which, so long as any part of the said original principal of such loan shall remain unpaid, shall take precedence of the fourth, fifth and sixth ordinary annual charges upon such Income Fund as the same are respectively charged and imposed upon the same by the seventy-fourth Section of this Act, and until such payment and satisfaction of the whole principal and interest of such loan, any Collegiate Statute, either Visitatorial, or Collegiate, whereby such provision shall, or may, be attempted to be repealed, or altered, shall be null and void to all intents and purposes whatsoever. College not to borrow money, except under a Statute, nor without providing a Sinking Fund to pay the debt off in twenty years. Appropriation for Sinking Fund to be a charge on College property. Statute not to be repealed until the loan is paid off.

LXVI. *And be it enacted*, That *whatever shall remain of the original Endowment of the said College and Royal Grammar School, whether the legal Titles thereto be now vested in the said College and Royal Grammar School, or in the Principal Master and Scholars thereof, or in the said College, Collegiate Institution, or University* and all *other* the property and effects, real and personal of what nature, or kind, soever, now belonging to, or invested in the said College and Royal Grammar School, or in the Principal, Masters and Scholars thereof, or *in the said College, Collegiate Institution, or University, or* in any other person, or persons, or Body Corporate, or Politic, whatsoever, for the use, or benefit, of the said College and Royal Grammar School, shall be, and continue vested, *and the same and every part thereof are hereby transferred to and vested in* the Principal, Masters, and Scholars of Upper Canada College and Royal Grammar School, to hold to them and their Successors for ever; anything in the said Act of the Parliament of the late Province of Upper Canada or of this Province, or in any Letters Patent, Royal Charters, Deeds, or other Instruments, to the contrary thereof in anywise notwithstanding. Property of the College vested in the Corporation—

LXVII. *And be it enacted*, That all debts due to the said College and Royal Grammar School, or to the Principal, Masters and Scholars thereof, in their Corporate Capacity, and all Judgments, Recognizances, Bonds, Covenants and other Instruments, or Contracts, suffered, acknowledged, or given to, or made with them, as aforesaid, or with the said College, Collegiate Institution, or University hereinbefore mentioned, on behalf of the said College and Royal Grammar School, or with the Chancellor, President and Scholars of the said University, on behalf of the said College and Royal Grammar School, by whatever name the same may have been suffered, acknowledged, given, or made, shall be available, stand and continue Debts due to the College vested in the Corporation.

of good purport and full force and strength to the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, as if the said College and Royal Grammar School had been therein named by the Corporate Name hereby given to the same; and it shall and may be lawful, for the said College and Royal Grammar School, by the Corporate Name last aforesaid, to proceed upon the same by execution, or otherwise, and recover thereon as if the same had been suffered, acknowledged, or given to, or made with them by the name last aforesaid.

And may be recovered by it.

Corporation liable for all bebts due by the College.

LXVIII. *And be it enacted*, That, except as hereinafter excepted, the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, shall, both in Law and Equity, be liable to all the present existing debts, contracts and agreements of the said College and Royal Grammar School, and may be sued upon and recovered against for the same, as if the same had been contracted, or entered into, by them, by the name aforesaid:

Proviso: Debt to University cancelled.

Provided always, nevertheless, that nothing herein contained shall extend, or be construed to extend, to the debt now claimed to be due by the said College and Royal Grammar School to the said University, which debt shall be and the same is hereby, absolutely cancelled and discharged.

Fiscal year to correspond with Calendar year.

LXIX. *And be it enacted*, That the fiscal year of the said College and Royal Grammar School shall commence, on the first day of January, and end on the thirty-first day of December, in each year.

Salaries to be payable quarterly.

LXX. *And be it enacted*, That the Salaries of the Principal, Masters, Teachers, Officers and Servants of the said College and Royal Grammar School shall, by the Statutes establishing the same, be made payable Quarterly, on the four Quarter days of each fiscal year, that is to say, the first days of January, April, July, and October in the same.

No real property, etcetera, to be disposed of except by Statute.

LXXI. *And be it enacted*, That none of the real property of the said College and Royal Grammar School, and none of the property thereof invested, according to the directions of either the seventy-second, or seventy-sixth, Sections of this Act, shall be disposed of, or applied, otherwise than by authority of a Statute of the said College and Royal Grammar School.

Proceeds of Sales of Lands to form Investment Fund.

LXXII. *And be it enacted*, That the proceeds arising from the sales of any of the lands referred to in the seventy-first section of this Act, which it shall, from time to time, be deemed expedient by the said College and Royal Grammar School to sell and dispose of, and all moneys received upon investments called in, or paid off, together with any surplus of the income over the expenditure of the said College and Royal Grammar School, as provided by the seventy-sixth Section of this Act, shall form a Fund to be called in the Books of the said College and Royal Grammar School: "The College Investment Fund," the moneys at the credit of which Fund shall, from time to time, be invested in such Government, or Landed, Securities, as shall be approved of, by the Council of the said College and Royal Grammar School.

How to be invested.

Annual Income to form the Income Fund.

LXXIII. *And be it enacted*, That the Annual Income of the said College and Royal Grammar School arising from the fees and dues payable to the same for entrance, tuition, or otherwise, or from such portion thereof as by Statute, or Statutes, of the said College and Royal Grammar School, shall be payable into the General Funds of the said College and Royal Grammar School, and not to the Principal Masters, or Officers thereof, and from the annual, or other periodical rents, interests and dividends, arising from the property and effects of the said College and Royal Grammar School, of what nature, or kind, soever, whether real, or personal, together with all such annual, or other donations, or subscriptions, as may be made to the said College and Royal Grammar School, for the general benefit thereof, without being specially appointed by the Donor to any particular object, or purpose, shall form another Fund to be called "The College Income Fund," the moneys at the credit of which last mentioned Fund, shall be appropriated and applied to make good and satisfy the several charges by the next following Section of this Act charged and imposed upon the said Fund in the order in which such charges are therein charged and imposed upon the same.

Application of such Fund.

What shall be charges on Income Fund and their order—

First—

Second.

Third.

LXXIV. *And be it enacted*, That the *first* annual charge upon the said College Income Fund shall be the necessary expenses incurred in the receipt, collection and management of the moneys of the said College and Royal Grammar School, as well those constituting the Investment Fund as those constituting the said Income Fund. The *second* charge upon such Income Fund shall be the necessary outlay for taxes, insurance and repairs of the buildings and other property of the said College and Royal Grammar School. The *third* charge upon such Income Fund shall be the salaries, wages and allowances of all subordinate Officers and Servants

of the said College and Royal Grammar School. The *fourth* charge upon the said Fund shall be such sum of money as, by any Statute, or Statutes, of the said College and Royal Grammar School, to be passed for that purpose, shall be annually appropriated for the incidental expenses of the said College and Royal Grammar School for the fiscal year, or so much of such sum as shall be required for such incidental expenses. The *fifth* charge against such Fund shall be the salaries of the Principal and Masters of the said College and Royal Grammar School, and so much of those of the Members of the Endowment Board of the said University and College as shall be payable out of the Funds of the said College. And the *sixth* and last charge, such special appropriations out of the said Income Fund for such year as shall have been directed to be made by any Statute of the said College and Royal Grammar School, passed for that purpose.

Fourth.

Fifth—

Sixth.

Deduction from salaries to meet deficiencies in the Income Fund.

LXXV. *And be it enacted*, That, whenever the Income Fund of the said College and Royal Grammar School, for any year, shall not be sufficient to satisfy and discharge the different charges upon the same for such year, as herein provided, the amount of the deficiency for such year shall *be supplied from the surplus Income Fund which has not yet been carried to the Investment Fund, or* shall be deducted in equal proportions from all the salaries constituting the fifth annual charge upon such fund for the following year, by proportionate quarterly deductions from such salaries, as the same become respectively payable at each financial quarter of such following year :

Proviso : deficiency to be made up by surplus accruing during six following years.

Proviso : Beyond which, no claim shall be allowed.

Provided always, nevertheless, *firstly*, that the parties whose receipts of salary may have been diminished by such proportionate deductions, as aforesaid,, shall be entitled to have such deficiency made good in part, or in the whole, as the case may be, out of any surplus, or surplusses, of income over expenditure that may accrue during the [five] *six* years next ensuing that in which such proportionate deductions shall have been so made, as aforesaid : Provided also, *secondly*, that, for the deficiency thus occasioned in such salaries, and which, at the end of every [fifth] *sixth* year, may yet remain unsatisfied, as aforesaid, the Incumbents, to whose Offices, or Masterships, such salaries shall be attached respectively, shall have no claim upon the said College and Royal Grammar School, or upon the Funds thereof, but the amount of such salaries received by each of such incumbents, according to the provisions of this Act, shall be deemed and taken to have been received by him in full satisfaction and discharge of the whole of his salary for such [five] *six* years, for which such proportion of the same shall have been paid to him, as aforesaid.

Surplus if any of Income Fund to be transferred to Investment Fund.

LXXVI. *And be it enacted*, That the surplus, if any, of the said "College Income Fund," after satisfying and discharging the several charges, whether ordinary, or extra, by this Act charged upon the same, shall be annually transferred to the Investment Fund of the said College and Royal Grammar School, and, with the other moneys belonging to that Fund be, from time to time, invested, as in and by the seventy-second Section of this Act is declared, so that there shall be no balance of the said Income Fund to be carried forward from one fiscal year to the next.

Present Statutes of College to remain till altered.

LXXVII. *And be it enacted*, That all Statutes, Rules and Ordinances of the said College and Royal Grammar School, in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force, until repealed, altered, or amended by some other Statute of the said College and Royal Grammar School, either Visitorial, or Collegiate, to be hereafter enacted, or passed, for that purpose.

Present Principal and Masters to continue until removed.

LXXVIII. *And be it enacted*, That the Principal and other Masters and Officers of the said College and Royal Grammar School, now actually holding a Mastership, or Office, in the same, shall continue to hold such Mastership, or Office, under a new Warrant to be issued to him for the same, until he shall be removed therefrom, in the manner prescribed by this Act.

Proviso : Commission of Visitation may re-arrange the Officers or duties—

or the salaries etcetera.

Provided always nevertheless, that nothing herein contained shall prevent, or be construed to prevent, the Commission of Visitation to be issued, as hereinafter directed, or any other such Commission of Visitation, or any Collegiate Statute to be passed for that purpose, from re-arranging such Masterships, or Offices, or the duties attached to the same respectively, or from adding to, varying, or deducting from, the duties of the Mastership, or Office, held by any such Master, or Officer, in the said College, or Royal Grammar School, or from so altering, or varying, the amount of salary, or emolument, receivable by any such Master, or Officer, as shall be necessary to give effect to the provisions of this Act for the prevention of the dissipation of the Endowment,or capital stock, of such College and Royal Grammar School, and restricting its expenses and disbursements to the amount of its annual income from the same.

Commission of Visitation to issue for like purposes with Commission for University.

LXXIX. *And be it enacted*, That so soon after the passing of this Act as the Governor, or Person administering the Government of the Province, for the time being, shall seem expedient, a like Commission of Visitation shall be issued to, and in respect of, the said College and Royal Grammar School, as that hereinbefore directed to be issued to, and in respect of, the said University, with similar powers and directions as far as the Governor, or Person administering the Government of the Province, for the time being, shall deem the same applicable, or expedient to be contained in such Commission;

Proviso: One Commission may include both.

Provided always, nevertheless, that nothing herein contained, shall prevent, or be construed to prevent, the issue of one Commission, embracing both objects, if such shall be the pleasure of the Governor, or Person administering the Government of the Province, for the time being, as aforesaid.

IV. MISCELLANEOUS AND TEMPORARY PROVISIONS.

Actions at Law and Suits in Equity by, by, or against University College, etcetera, not to abate.

LXXX. *And be it enacted*, That no action at law, or suit in equity, now pending between either the said first mentioned University and any person, or persons, Bodies Corporate, or Politic, by whatsoever name such University, or College, may be proceeding, or be proceeded against, in such action, or suit, shall abate, cease, or be discontinued, by reason of anything in this Act contained: but every such action, or suit, shall and may, upon suggestion of the passing hereof, be proceeded with, for, or against, such University, or College, by the Corporate name hereby conferred upon the same respectively; anything herein contained to the contrary notwithstanding.

Recital.

LXXXI. AND WHEREAS a gift of Books, principally consisting of Theological Works, was some years since, made to the said University, hereinbefore first mentioned by the Society for Promoting Christian Knowledge, which, in consequence of the abolition of the Chair of Divinity, that Society may desire to have transferred to some other Institution, or otherwise disposed of:

Theological Library to be transferred at request of Society for promotion of Christian Knowledge.

Be it therefore enacted, that, upon application from the said Society [under their Common Seal] *by their proper Officer*, to be made to the said Chancellor, Masters and Scholars of the said University of Toronto, at any time before the year of Our Lord, one thousand eight hundred and fifty-five, requesting that such gift may be returned to them, or otherwise disposed of, as they may appoint, it shall and may be lawful for the said Chancellor, Masters and Scholars, and they are hereby required, to deliver over the same according to such request, and the same shall, thereupon, become vested in the said Society, or in such other person, or persons, Bodies Politic, or Corporate, as the said Society shall, or may, in, and by such request, so to be made, as aforesaid, nominate and appoint in that behalf; anything herein contained to the contrary, notwithstanding.

Commencement of this Act.

LXXXII. *And be it enacted*, That this Act shall *come into operation upon, from and after the first day of January next, or such earlier day as shall, or may, be fixed for that purpose, by Proclamation under the Great Seal of this Province.*

Act to be a Public Act, etcetera.

LXXXIII. *And be it enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and others, whomsoever, without being specially pleaded.

LXXXIV. *And be it enacted*, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

THE SUSPENDED COMMON SCHOOL ACT OF 1849.

Although the following Common School Act of Upper Canada was unanimously passed by the Legislature of the Province of Canada, during the Session of 1849, it never went into operation.

The circumstances which led to the unprecedented act of suspending the operation a School Law, which had been passed by the Legislature in the usual way, are given, in detail, in Chapter XIV of this Volume.

It was assumed that the School Bill, which was introduced into the House of Assembly, during the Session of 1849, by the Honourable Malcolm Cameron, Assistant Commissioner of Public Works, was the one which had been sent to the

Provincial Secretary by the Chief Superintendent in October, 1848. (See also Chapter XII and pages 83-94, of this Volume).

This was not the case, however, as the Chief Superintendent learned, while on an Official Visit to the Seat of Government in April, 1849. He was then made aware of the fact, that Mr. Cameron's Bill was a compilation from various School Acts then in force, and that it was practically a composite Bill, founded upon these Acts, and upon the Draft of School Bill submitted to the Government by himself, in the previous Autumn, and in February of the next year, (1849), put together by a Friend of Mr. Cameron. The Bill had, however, in its very inception, as it proved, an ulterior object, being framed in a spirit of hostility to the Chief Superintendent as he pointed out in the Correspondence on the subject with the Goverment, which is given in Chapter XIV of this Volume.*

As a matter of special interest, with which the passage of this subsequently abortive School Bill, is invested, as well as with the view to maintain the historical sequence of these Volumes, I have inserted the Bill in this its proper place, just as it passed the Legislature and received the usual Royal Assent.

Those parts of the original Bill, which were struck out on its passage through the Legislature, I have replaced and enclosed in square brackets, and the additions made to the Bill in the Legislature, I have had printed in italics.

12 VICTORIA, CHAPTER LXXXIII.

AN ACT FOR THE BETTER ESTABLISHMENT AND MAINTENANCE OF PUBLIC SCHOOLS IN UPPER CANADA, AND FOR REPEALING THE PRESENT SCHOOL ACT.

The Earl of Elgin and Kincardine, Governor-General of British North America.

Passed on the 30th of May, 1849.

Preamble. WHEREAS it is expedient to make provision for the Better Establishment and Maintenance of Public Schools, in that part of this Province formerly Upper-Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly, of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituted: *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same,

Imperial Act of 1840.

Superintendent of Schools to be appointed for Upper Canada —his salary, &c. That the Governor of this Province may, from time to time, appoint, by Letters Patent under the Great Seal of this Province, a fit and proper person to be Superintendent of Schools for Upper-Canada, and to hold his Office during pleasure; and the said Superintendent shall be allowed Four Hundred and Twenty pounds, (£420,) currency salary per annum, and shall be allowed Three Hundred and Fifteen pounds, (£315,) currency per annum for a Clerk, and the Contingent Expenses of his Office, to be by him accounted for according to the terms of this Act; and the said Superintendent shall give security to Her Majesty, to the satisfaction of the Governor-in-Council, in the sum of Two Thousand pounds, (£2,000), currency, and shall, in the exercise of his duty, be subject to all lawful directions, or orders, that the Governor, or Person administering the Government of this Province may, by and with the advice of the Executive Council, give in respect thereto.

To give security, and be subject to the Governor in Council.

* In his Letter to the Provincial Secretary, dated the 12th of May, 1849, the Chief Superintendent said: "I have been informed upon authority which I cannot doubt, that the [Cameron] Bill has been chiefly drafted by a person who has, for the last three years, been writing in a [Bathurst] District Newspaper against the present School Law and against myself" . . .

Duties of the Superintendent

II. *And be it enacted*, That it shall be the duty of the Superintendent of Schools for Upper-Canada:

Apportioning moneys.

First. After deducting certain sums, as hereinafter provided, to apportion, on or before the Fifteenth day of April in each year, all moneys appropriated by the Legislature for Common Schools in Upper-Canada, for the then current year, according to the ratio of population in each County in Upper-Canada, as compared with the whole population of such part of this Province, according to the Census of the population thereof, which shall have been last taken and returned at the time of such apportionment; or, if the Census, or Returns, upon which such apportionment, according to this provision of this Act, ought to be made, be so defective, in respect to any County, that it will be impracticable to ascertain thereby the share of the School moneys which ought to be apportioned to the said County, then he shall apportion such moneys according to the best evidence in his power, having respect to a fair and equitable apportionment thereof, according to the said ratio of population.

Certifying apportionments, &c.

Secondly. To certify to the Inspector-General of this Province the apportionment so made, and to give also immediate notice thereof to the Clerk of the Municipal Council of each County in Upper-Canada, stating the amount of money apportioned to each, the aggregate amount of the apportionments, and the ratio of population, according to which the several apportionments shall have been made.

Seeing to application of moneys.

Thirdly. To see that all moneys apportioned by him, under the authority of this Act, be applied to the purposes for which they shall have been granted, and to withhold from each and every County, from which a satisfactory Report respecting the moneys last apportioned thereto shall not have been received, all further share of the Legislative Grant for Schools till such Report shall have been furnished by said County.

Preparing forms, regulations, &c.

Fourthly. To prepare suitable Forms and Regulations for making all Reports, and conducting all necessary proceedings under this Act, and to cause the same, with such instructions as the Board of Education for Upper-Canada shall deem necessary for the Better Organization and Government of Public, or Common, Schools, to be transmitted to the several Boards and Officers required to execute the provisions of this Act; and to prepare and to transmit to the Clerk of each Township, Town, or City, in Upper Canada, for the use of the Municipal Council of such Township, Town or City, a copy of any plan, or plans, of School Houses that the Governor-in-Council may approve of and order to be furnished for such purpose.

Also copies of plans for School Houses.

Furnishing forms, copies of Act, &c.

Fifthly. To furnish, from time to time, to the order of any Superintendent of the Common Schools of any Township, Town, or City, in Upper-Canada, such, and so many, copies of this Act, and of the Forms, Regulations and Instructions prepared by him, as shall, in such order, be stated to be necessary for the use of any School, or Schools, in the said Township, Town, or City.

Collecting information respecting education.

Sixthly. To employ all lawful means in his power to collect information on the subject of Education, and to diffuse it among the people in Upper-Canada.

Reporting yearly to the Governor.

Seventhly. To submit annually to the Governor of this Province, on or before the first day of August in each year, a Report of the state of the Normal, Grammar, Common and other Public Schools, or Educational Institutions, in Upper-Canada, shewing the amount of public moneys expended for educational purposes in Upper-Canada, so far as the same shall have been made known to him, and shewing, likewise, from what sources the said moneys shall have been derived, together with such information respecting the State of Education in Upper-Canada, and plans and suggestions for the improvement thereof, as he shall deem to be expedient, in order that the same may be laid before the Legislature at the Meeting thereof next following.

School moneys when and how payable to County Treasurers.

III. *And be it enacted*, That the sum of money to be annually distributed for the encouragement of Common Schools in Upper-Canada aforesaid, shall be payable on the first day of May in each year, by Warrant to the Treasurers of the several Counties in Upper Canada.

Duty of County Treasurers.

IV. *And be it enacted*, That each County Treasurer shall, when he shall have received the sum of money apportioned to his County, immediately give notice thereof in writing to the Clerk of the Municipal Council of his County.

Duty of Clerk of Municipal Council.

V. *And be it enacted*, That the duty of the said Clerk shall be, when he shall have received notice of the apportionment of School moneys for his County, and also when the Treasurer of his County shall have given him notice that the said apportionment has been received by him, to lay the same, as soon as possible, before the Municipal Council of the said County.

Reserved fund as an aid to certain poorer School Sections.

VI. *And be it enacted*, That the said Municipal Council shall, in its discretion, cause a sum, not exceeding Twenty-five per cent. of the said apportionment, to be deducted from the said apportionment, and constituted a Fund for the relief of such School Sections as may not, without special assistance, be able to establish, or maintain, Schools; and the said Municipal Council shall, in its discretion, cause the said Fund to be distributed to such School Sections in such amounts as it shall judge to be proper:

Proviso as to amount of aid.

Provided always, that the said Municipal Council shall not authorize any such School Section to receive in any year, from such School Relief Fund, a sum exceeding Ten pounds currency; And provided also, that it shall not authorize any portion of the said Fund to be paid to any School Section in which the inhabitants may be sufficiently wealthy to be able to support a School without such assistance; nor to any Section which may be conveniently united to another School Section, and so be made able to support a School; nor to any School Section which shall not have raised, by taxation, or otherwise, during the then current year, a sum at least equal in amount to the sum which said Municipal Council shall have apportioned to such Section; nor unless it shall appear that the sum which such Section shall have raised, shall have been applied to the payment of the Teacher of such Section for such year; nor unless it shall have been certified to the Council that such Section shall not have received any portion of the residue of the Legislative Grant, to be distributed, as hereinafter provided, after the aforesaid sum shall have been deducted.

Proviso: aid not to be granted in certain cases.

Distribution of the rest of the apportionment for any County.

VII. *And be it enacted*, That the said Municipal Council, after deducting from the apportionment of School moneys for its County, as aforesaid, a sum sufficient for a School Relief Fund, shall apportion the residue of the said appointment to the several Townships, Towns and Cities in the County, according the ratio of population in each, as compared with the whole population which shall have been last taken and returned at the time of such apportionment; or, if the Census, or Returns, upon which such apportionment ought to be made, be so defective that an apportionment made according to it would be unjust, it may and shall be lawful for the Council to apportion such School moneys according to the best evidence in its power, having respect to a fair and equitable apportionment thereof according to the said ratio of population:

Proviso as to the ratio of apportionments.

Provided always, that before such apportionment be made, the population of such School Section, or Sections, as are to receive any portion of the School Relief Fund, shall be deducted from the population of the several Townships, Towns, or Cities, in which such Section shall be located, and the apportionments to such Townships, Towns, or Cities, shall be made according to the population in them respectively, (exclusive of the population of the relieved School Sections,) as compared with the whole population of the County in which such Townships, Towns, or Cities, may be.

Notice to the Township, Town, and City Councils, in the County, and to the Superintendents of Schools.

VIII. *And be it enacted*, That the Municipal Council of each County in Upper-Canada shall, after it shall have apportioned, as aforesaid, the School moneys for its County, immediately cause a notice thereof to be given in writing to the Clerks of the several Township, Town, or City, Councils in its County, and to the Township, Town and City Superintendents of the Schools of the County, and shall cause to be stated therein the amount of money apportioned to each Township, Town and City, respectively,—the aggregate amount of the apportionments,—the ratio of population, according to which the said apportionments shall have been severally made,—the number and designations of the School Sections which are not to be included in the number to which the money apportioned to any Township, Town, or City, is to be distributed,—and the amount granted from the School Relief Fund to each such School Section for the maintenance of a School therein.

Treasurers of County to pay moneys to Superintendents of Townships, &c.

IX. *And be it enacted*, That the notice in writing, which the said Municipal Council shall give to any Township, Town, or City, Superintendent of the Schools of its County, as aforesaid, shall be sufficient Warrant to the said Superintendent to receive from the Treasurer of the said County the sum of School money which shall have been apportioned to his Township, Town, or City; and it shall be the duty of the said Treasurer to pay the same to the said Superintendent on the authority of the said notice, and on no other, without retaining any per-centage thereon.

Superintendents of Schools for Towns, Townships, &c., how appointed—security, &c.

X. *And be it enacted*, That the Superintendent of Schools in each Township, Town and City shall be appointed by the Council of such Township, Town, or City, and shall hold office during the pleasure of the said Council, and shall, before he enter on the duties of his office, enter into a Bond, with two, or more, sufficient Sureties, to such amount as shall be required by the said Council, and such Bond shall be to the said Council, and shall be conditioned for the faithful performance

of the duties of such Superintendent, and the Sureties thereto shall be to the satisfaction of the said Council;

Proviso: if insufficient sureties be taken.

Provided always, that, if insufficient Sureties be accepted by the said Council, the Members of such Council who shall have voted for the accepting of such Sureties shall be personally holden in lieu of the said Sureties and amenable in their stead, if the said Superintendent shall fail to perform the duties required of him by this Act.

Superintendent may be appointed for more than one place.

XI. *And be it enacted*, That any person appointed to be the Superintendent of the Schools of any Township, Town, or City, may be appointed likewise to be the Superintendent of any other Township, Town, or City, in his County, or of the Schools of all the Townships, Towns and Cities in the same:

Proviso as to security.

Provided always, that he shall, as is required by the Tenth Section of this Act, enter into a Bond to the Municipal Council of each Township, Town, or City, for which he shall have been appointed, for the faithful performance of his duties, in respect to the Township, Town, or City, to the Municipal Council of which said Bond shall be.

Duties of local Superintendents.

XII. *And be it enacted*, That the duty of every Township, Town, or City, Superintendent of Schools in Upper-Canada, in respect to each Township, Town, or City, whereof he shall be Superintendent of Schools, as aforesaid, shall be—

Visits and examinations.

First—To visit and publicly examine every Common School in the Township, Town, or City, at least once a year, and oftener, if he shall deem it necessary, or if the Municipal Council of the Township, or City, shall require him to do so.

Lectures.

Secondly—To deliver in each School Section, at least once a year, a Public Lecture on some subject connected with the objects, or interests, of Common Schools.

Notice of visit.

Thirdly—To give notice to the Teacher of the School which he shall intend to visit, of his intention to visit and examine the same, at least three days before that on which he shall visit and examine the same, and the duty of the Teacher shall be to give public intimation of the notice, so that all having an interest in the School may have an opportunity to be present.*

Choice of books, &c.

Fourthly—To prevent the use of such Books as shall not have been authorized, as hereinafter provided,—to recommend the use of Books which shall have been authorized,—and to give to Teachers, Trustees and Parents, or Guardians, such advice, in regard to the interests and management of their Schools, as he may judge to be proper, or as he shall, by any of said persons, be asked to give.

Overseers, Teachers.

Fifthly—To see that Teachers and Trustees perform the duties required of them by this Act.

Suing for penalties, &c.

Sixthly—To sue for and collect, by his name of office, all the penalties and forfeitures imposed by this Act and which shall have been incurred by any Officer, or inhabitant, of the Township, Town, or City, and with respect to which no other provision shall have been made.

Receiving and applying school moneys

Seventhly—To apply for and receive from the Treasurer of the County the sum, or sums, of money apportioned to the said Township, Town, or City, by the Municipal Council of the County thereof, and apply the same as the Municipal Council of the said Township, Town, or City, shall direct;

Proviso: conditions on which money may be allowed to any School section.

Provided always, that he shall not pay any part of the money apportioned to any School Section of said Township, Town, or City, by the Municipal Council thereof, unless it shall appear that a sum at least equal in amount to the moneys apportioned to such Sections, shall, for the payment of the salary of the Teacher of the Common School thereof, for the then current year, have been levied on the inhabitants of such Section; nor unless a School shall have been in operation therein during six consecutive months, either within the year for which the said money shall have been apportioned, or within the last three months of the preceding year, and so much of the then current year consecutively following such portion of the preceding year, as, with the said portion, shall constitute six months; nor unless, when there shall have been a School in operation therein during a portion of the preceding year, a sufficient Report therefrom shall have been received; nor unless it shall be that no portion of the money apportioned to such Township, Town, or City, for the preceding year shall have been paid to such Section for the payment of the salary of the Teacher of the School thereof for such year.

* By reference to page 55 of this Volume, the inexpediency of giving notice to the Teacher of the proposed Visit of the Inspector, or Superintendent, to his School, is pointed out in strong language by the Head Master of the Normal School.

Eighthly—To call for and receive from the Collector of such Township, Town, or City, all moneys that for School purposes shall, by virtue of and under the authority of any By-law, or By-laws, of the Municipal Council of the Township, Town, or City, be raised in the Township, Town, or City, and distribute, or apply, them for such purposes, as the provisions of such By-law shall direct. Receiving moneys from Collectors and applying the same.

Ninthly—To retain in his hands, subject to the order of the Municipal Council of the said Township, Town, or City, all moneys which shall have been apportioned to the School Sections of such Township, Town, or City, and which shall not have been called for, or which he shall not have been able to apply according to the provisions of this Act; which moneys such Council may, in its discretion, add to the moneys to be next distributed to the School Sections of such Township, Town, or City, and distribute them as a part of the apportionment to be then next distributed. Retaining moneys not called for.

Tenthly—To see generally that the provisions of this Act, so far as they relate to such Township, Town, or City, be complied with; and to make a Report annually on or before the first day of March in each year to the Municipal Council of such Township, Town, or City, and a similar Report annually, on or before the same day to the Municipal Council of the County in which such Township, Town, or City, shall be; which Report shall be in such form as the Chief Superintendent of the Common Schools of Upper-Canada shall have appointed: and shall state: Seeing to the execution of this Act, and reporting. What the report shall contain.

1. The whole number of School Sections, or parts of School Sections, in such Township, Town, or City, separately numbered and described. Description of School sections.

2. The number of children, over the age of five and under the age of sixteen years taught in each,—also the number of persons over the age of sixteen years taught in each,—the sexes of each of such classes,—and the number of children over the age of five years, and under the age of sixteen years, residing in each of such Sections, or parts of Sections, and their sexes. Number and description of those taught.

3. The length of time a School shall have been in operation during the year in each Section,—the Books used, and the subjects taught,—and whether the Teacher shall have been duly qualified, and the Trustees have duly reported. Time each School was in operation.

4. The amount of moneys which shall have been received by each Section, and the amount collected by each, distinguishing the amount appropriated by the Municipal Council of the Township, Town, or City,—the amounts from the School Relief Fund,—the amounts raised by assessment,—the amounts raised by the Trustees,—and the amount from any other, and what, sources; also, how all such moneys have been expended, and whether any, and what part, remains unexpended, and from what cause, or causes. Moneys received, and expended.

5. The number of his School Visits during the year,—the whole number of School Houses in the Township, Town, or City; the number hired,—the number which are the property of their School Sections; and the number which shall have been erected during the year; with his opinion respecting such School Houses, as respects their affording accommodation,—their healthfulness and their adaptedness for the purposes of a School; also whether such School Houses were built by voluntary contribution, or by a tax imposed on the inhabitants of the School Section. School visits, School Houses, &c.

6. So far as he may be able to ascertain, the number of private Schools kept in the Township, Town, or City,—the number of pupils and the subjects taught in such Schools. Private Schools.

7. The number and extent of the Schools and Public Libraries in such Township, Town, or City, where situate, and how established and supported; also any other information he may possess respecting the educational state, wants and advantages of the Township, Town, or City: and any suggestions he may think proper to make, with a view to the improvement of the Schools, and to the diffusion of useful knowledge in such Township, Town, or City. Libraries, and miscellaneous information.

XIII. *And be it enacted*, That, in case the Superintendent of the Common Schools of any Township, Town, or City, shall not, on or before the first day of March in any year, transmit to the Municipal Council of his County, or shall not, on or before the said day in any year, transmit to the Municipal Council of his Township, Town, or City, his Report, as hereinbefore provided, it shall be the duty of the said Clerk of such Council to give immediate notice of such neglect to the Townreeve, Mayor, or Warden, of his Council; and the share of the School moneys apportioned to the Township, Town, or City, whose Superintendent shall not have reported, may be, in the discretion of the Municipal Council of the County in which such Township, Town, or City, may be situate, withheld till such Report for such Township, Town, or City, shall have been made and transmitted either by such Superintendent, or by a person authorized by the Municipal Council of such Case of the Superintendent not reporting provided for: Penalty on him.

Township, Town, or City, to make and transmit the same; and the Superintendent who shall have neglected to make such Report, shall forfeit to the use of his Township, Town, or City, for the School purposes thereof, the sum of Ten pounds, which shall be recoverable from such Superintendent at the suit of his Successor in office, whose duty it shall be to sue for and collect the same, in his name and office, in any Court possessing competent jurisdiction;

How recoverable.

Proviso: if defaulting Superintendent be continued.

Proviso: limitation of suit.

Provided always, that, if the Municipal Council of his Township, Town, or City, shall continue in his office of Superintendent the person who shall have been guilty of such neglect, any person whatever, being an inhabitant of such Township, Town, or City, may, in such Court, sue for and recover the same for the use of his Township, Town, or City, as aforesaid; And provided likewise, that the suit for the recovery of said sum of Ten pounds shall have been commenced, on the complaint of such person, within three calendar months from and after the time when such Report ought to have been transmitted.

Accounts to be kept by Superintendents for Townships, Towns, &c., and rendering thereof—case of removal, death, &c., provided for.

XIV. *And be it enacted*, That each Township, Town and City Superintendent of Common Schools shall keep a just and true account of all School moneys received and expended by him in each year, and shall deliver the same to the Clerk of the Municipal Council of his Township, Town, or City, to be by such Clerk laid before the Council; and in case of the removal from office of any such Superintendent, or, in case of his resignation, or his removing his residence from the County in which the Township, Town, or City, for which he shall be Superintendent may be situate, he shall immediately render to his Successor in office a just and true account of all School moneys received and expended by him during the then current year, and of all balances in his hands, and shall forthwith pay over all such balances to his said Successor, who shall appropriate the same in like manner as it should have been appropriated by such Superintendent, had he remained in office; and, if any vacancy in the office of such Superintendent shall occur, by the death of such Superintendent, his Personal Representatives, or Sureties shall render such account and pay over such balances; and every such Superintendent, who shall refuse, or neglect, to render such account, or to pay over such balance, shall forfeit and pay the sum of Twenty-five pounds, which together with such balance, so far as the same can be ascertained, and interest *and costs* thereon, shall be recoverable from such Superintendent, or his Sureties, at the suit of such Successor, whose duty it shall be to sue for the same in his name of office, in any Court possessing competent jurisdiction; and every Personal Representative, or Surety, of any deceased Superintendent, who shall refuse to render such account, or to pay over such balances, shall forfeit and pay a like sum, to be in like manner sued *for* and collected.

Penalty for neglect to account, or pay over balance.

Appointments of Superintendents to be reported to the Council of the County, &c.

XV. *And be it enacted*, That it shall be the duty of every Township, Town, or City, Clerk, to report in writing to the Municipal Council of the County in which his Township, Town, or City, may be, every appointment of a Township, Town, or City, Superintendent of Common Schools which shall have been made, from time to time, by the Municipal Council of his Township, Town, or City, and the name and address of the person so appointed, within seven days after such Superintendent shall have entered into a Bond, as aforesaid, for the faithful performance of his duties as such Superintendent; and it shall be the duty of such Clerk, likewise, within seven days after a vacancy shall have occurred in the office of Township, Town, or City, Superintendent, to report such vacancy to the Municipal Council of his County, and also *to* report the same, as soon as possible, to the Municipal Council of his Township, Town, or City.

Also vacancies.

Emoluments of Superintendents.

XVI. *And be it enacted*, That the Superintendent of the Common Schools of any Township, Town, or City, shall be paid by such salary, or per centage, as the Municipal Council of such Township, Town, or City, shall appoint, and such salary shall be raised and levied rateably upon the whole rateable property in the Township, Town, or City, according to the assessment laws which shall then be in force.§

What shall be deemed "School Sections," under this Act.

XVII. *And be it enacted*, That all the divisions of Townships, Towns, or Cities, in that part of this Province formerly Upper-Canada, which shall have been established before this Act shall be in force, and which shall then exist and be called "School Sections," shall not cease, but shall continue to be School Sections for the purposes of this Act, until altered, as hereinafter provided; and the Trustees of such Sections shall be as if they had been chosen by virtue of, and under the authority of, this Act, and shall have all the powers, and discharge all the duties of Trustees, and be subject to all the liabilities and penalties to which Trustees are subjected by this Act, until their successors shall have been appointed.

XVIII. *And be it enacted*, That it shall and may be lawful for the Municipal Council of each Township, Town and City in Upper-Canada to alter any School Section of such Township, Town, or City, or cause a new division of such Township, Town, or City, into School Sections, or to unite two, or more, of such Sections, and determine the Site on which the School House of any School Section in the Township, Town, or City shall be built; Municipal Council to fix and alter School Sections.

Provided always, that any alteration of the Site of any School House, or any alteration of any School Section, which shall not have been made with the consent of the Trustees of the Section, shall not take effect until three months after notice thereof shall have been given in writing to one, or more, of such Trustees. Proviso as to notice to Trustees, &c.

XIX. *And be it enacted*, That it shall be the duty of the Municipal Council of each Township, Town, or City, aforesaid, whenever it shall have formed a new School Section in any Township, Town, or City, to appoint a person, or persons, who shall call the first School Section Meeting in said Section; and to communicate to such person, or persons, in writing, the description and number of the Section; and it shall be the duty of such person, or persons, within twenty days thereafter, to prepare a notice in writing, describing such Section, and appointing the time and place for the Meeting, and to cause copies of such notice to be posted in at least *three public places* in the Section, at least six days before the time of holding such Meeting. Duty of the Council as to new Sections. First Meeting, Notice, &c.

XX. *And be it enacted*, That, at the first School Section Meeting, which shall be held in a new School Section, the Landholders and Householders thereat, being Residents in said Section, shall elect three fit and proper Persons to be Trustees of such Section, and such Persons shall hold office until the second Tuesday in January next after their election, and until their Successors in office shall have been appointed. Election of School Trustees, in new Sections.

XXI. *And be it enacted*, That, on the second Tuesday in January next after there shall have been a first School Section Meeting held in any new School Section, the Landholders and Householders resident in such Section shall again meet at the hour of twelve o'clock, at noon, at such place as shall have been appointed by a majority of the Trustees of the Section, who shall have cause notice of the Meeting to be posted in at least three public places in the Section, at least six days before the time therein appointed for the holding of the Meeting; and a like Meeting shall, from and after the passing of this Act, be, in like manner, held in every School Section in Upper-Canada, on the second Tuesday in January in every year; and the duty of the Trustees of each School Section in Upper-Canada shall be to give notice of such Meeting in the manner aforesaid, and at the time aforesaid. Annual Meeting for election of Trustees for each Section. Notice of Meeting.

XXII. *And be it enacted*, That when the Meeting held on the second Tuesday of January in such School Section shall be the first School Section Meeting held on such day, the Landholders and Householders present thereat shall choose three fit and proper Persons to be the Corporate School Trustees of such Section, who shall respectively hold office for a term of one, two or three years, and shall retire from office in the order of their appointment,—the first appointed to retire at the end of one year, the second appointed to retire at the end of two years, and the third appointed to retire at the end of three years; First elections of Trustees and their term of office—three to be elected.

Provided always, that no Trustee shall retire from office until his Successors shall have been appointed, nor be relieved from the obligations, liabilities and penalties belonging to his office as Trustee, till the Township, Town, or City, Superintendent of Schools, whose duty it shall be to see that he shall have faithfully discharged his duty, shall have relieved him therefrom. Proviso as to retirement from office.

XXIII. *And be it enacted*, That at each Meeting of the Landholders and Householders of each School Section in Upper-Canada, which shall be held on the second Tuesday in January in any year, after the year in which Corporate Trustees shall have been appointed, the Landholders and Householders present shall by a majority elect one fit and proper Person who shall succeed the Trustee whose term of office shall have expired, and the Person then elected shall continue in office three years, and until his Successor in office shall have been elected; Provided always, that the person whose term of office shall have expired may be re-elected, if he be willing. Subsequent elections—one Trustee to be elected. Term of office. Proviso as to re-election.

XXIV. *And be it enacted*, That, if in consequence of the notice hereinbefore required not having been given, there shall have been held no first School Section Meeting, or Meeting for the election of Corporate Trustees, or subsequent Meeting for the election of one Trustee, the Person, or Persons, whose duty it shall have been to give such notice, shall individually forfeit a sum not exceeding Two pounds, Penalty on persons required to give notice of meeting for election and not giving

it-how levied, &c. which shall be recoverable for the School purposes of such Section, by prosecution before any Justice of the Peace, who is hereby authorized, on the complaint on oath of any two inhabitants of such Section to hear and determine the same, and to convict the party, and to issue a Warrant to levy the penalty, by sale and distress of the Offender's goods: and, in such default of holding such Meeting, any three resident Freeholders shall have authority, within twenty days after the time at which such Meeting should have been held, to call such Meeting, by giving six days' notice, to be posted in at least three public places in such School Section.

Penalty on Trustees refusing to serve or to act.

XXV. *And be it enacted* That, if any Person chosen as a Trustee shall refuse to serve, *or shall, at any time during the time of his Trusteeship, refuse to do his duty as a Trustee*, he shall forfeit a sum not exceeding Five pounds, which sum shall be collected and applied in the same manner as the fines imposed by the foregoing provision of this Act are to be collected *and applied*: and, if, one, or more, vacancies shall occur among the Trustees, by reason of refusal to serve, permanent absence from the School Section, death or incapacity from sickness, such vacancy, or vacancies, [should] *shall* be filled up by the Electors of such School Sections, at a Meeting to be called for that purpose by the surviving Trustee, or Trustees: and, in case of there being no surviving Trustee, the Municipal Council of the Township, Town, or City, shall fill up the vacancies, and the Person, or Persons who shall be appointed to fill up the vacancy, or vacancies, shall continue in office during the period for which the Person, or Persons, whom he, or they, shall succeed would have been required to serve.

Vacancies, how filled.

Re-election must be voluntary.

XXVI. *And be it enacted*, That no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Who shall preside at elections of Trustees, &c.

XXVII. *And be it enacted*, That, at every School Section Meeting of the Landholders and Householders of each Section in Upper-Canada, whether the same shall have been called, as hereinbefore provided, or otherwise, the Landholders and Householders present thereat shall, by a majority, appoint one of themselves to preside over the proceedings of *the* said Meeting, and one of themselves also to record *the* said proceedings; and the duty of *the* said persons shall be to prepare two copies of the record of *the* said proceedings, and transmit one of them to the Clerk of the Municipal Council of the Township, Town, or City, and post one in such place as they shall deem to be the most public one, within the School Section, in which such Meeting shall have been held.

Records of proceedings.

School Trustees to be a Corporation.

Corporate name and powers.

XXVIII. *And be it enacted*, That the School Trustees in each School Section shall be a Corporation, under the name "The School Trustees of Section number in the Township, Town or City of in the County of ;" and shall have perpetual succession and a Common Seal, and may sue and be sued, and shall generally have the same powers which any other body politic, or corporate, has with regard to the purposes for which it is constituted; but they shall not at any time hold real property.

Corporation not to fail for want of Trustees.

XXIX. *And be it enacted*, That no such Corporation shall cease by reason of the want of Trustees, but the powers of the Corporation in such case, as regards the holding of any personal property belonging to such Corporation, shall become vested in the Superintendent of the Schools of the Township, Town, or City, in which *the* said Corporation may be situate, until the Municipal Council of such Township, Town, or City, shall, as hereinbefore provided, appoint Persons to fill up the vacancy which shall have occurred.

Duties of the Trustees.

XXX. *And be it enacted*, That it shall be the duty of the Trustees of each School Section in Upper-Canada:

Appointing Secretary-Treasurer.

First. To appoint one of themselves to be Secretary-Treasurer of their School Section, whose duty it shall be to keep a Minute of the proceedings of the Trustees in a Book kept for that purpose,—to receive the moneys from whatever source derived, belonging to his School Section, for School purposes,—to account to his Colleagues for such moneys, and to disburse them as a majority of the Trustees shall direct; Provided always, that the directions of the majority shall be in accordance with the provisions of this Act.

Taking possession of School property and using the same.

Secondly. To take possession of all property which shall have been acquired for Common School purposes in their Section; and hold the same for such purposes; and acquire and hold, for the Corporation of their Section, any and all personal property, moneys and incomes, belonging to said Corporations for Common School purposes; and use and apply the same according to the terms of acquiring, or receiving them, until by law the power hereby given be taken away, or modified.

Taking care of School property.

Thirdly. To do whatever may be expedient with regard to building, repairing, renting, renewing, warming or keeping in order the School House of their Section,

and also to do whatever may be expedient for the keeping in order the appendages to the same, *and* the lands, fences and moveable property of whatever description which shall be the property of their School Section; Provided that no rate shall be levied for the building of a School House, or for the purchasing of a Site for a School House in any School Section, otherwise than under a By-law of the Municipal Council of the Township, Town, or City, in which such Section shall be; nor unless a Memorial, praying that such rate shall be levied, shall have been signed by a majority of the Landholders and Householders of such Section, and shall have been submitted to said Council by a Person, or Persons, authorized by *the* said majority to submit the same. Proviso as to rates for building School Houses.

Fourthly. To adopt such means for the maintenance of the School of their Section as at the School Section Meeting of the Landholders and Householders of their Section, held on the second Tuesday of January in any year, shall have been approved of for such year by a majority of the Landholders and Householders present at such meeting, being Residents in the Section; Provided always, that the means approved of at such Meeting shall be in accordance with the provisions of this Act, as hereinafter provided. Maintenance of the School. Proviso.

Fifthly. To determine on and prepare a Rate Bill, which, in their discretion, may be payable quarterly, half yearly, or yearly, and shall contain the name of every person liable to pay for the instruction of children sent by him to the Common School of their Section, or for the instruction of Himself at such School, or for firewood, or for any charge necessarily incurred by such attendance, and shall contain the amount also for which such person shall be liable; and the same may be collected by themselves, or by any one of them, or by their Collector appointed by them to collect the same; and, if they employ a Collector, five *per centum* may be added thereto for the cost of collection, and be collected therewith. Preparing Rate Bill—its contents, &c. Collection.

Provided always, that they shall not enforce the payment of any Rate Bill, if the majority of the Landholders and Householders of their Section, as aforesaid, and as hereinafter provided, shall have determined to support the Common School thereof by a tax upon the rateable property in the Section and the Municipal Council of the Township, Town, or City, shall have, accordingly, levied an assessment on such Section sufficient for the support of such School. Proviso: payment not to be enforced in certain cases.

Sixthly. To exempt wholly, or in part, from the payment of the Rate Bill, such indigent Person, or Persons, within their School Section, as they shall think proper; and, in case of default of payment by any Person, to whom the claim against him, on the Rate Bill shall have been made known by them, to levy the amount by distress and sale of the goods and chattels of such Person *under the authority of a Warant issued by any Justice of the Peace*, and in case such Person reside without the School Section, and have no goods, or chattels, within it at the time of making such collection, to sue for the amount of the claim in their name of office, in any Court of competent jurisdiction, *and recover the same with costs thereon*; and for the collection of such rate, the Collector appointed by the Trustees shall have within their School Section, the same powers that the Collector of any County Rate shall have for the collection of such rate. Exempting indigent persons &c. Levying the Rate, &c. Powers of Collector.

Seventhly. To ascertain the number of children over the age of five years and under the age of sixteen years residing in their School Section, and allow them, and any Person, and all Persons, residing in their Section, to attend the Common School thereof, so long as the conduct of such Person, or Persons, shall be agreeable to the Rules of the School. Determining number of children &c.

Eighthly. To engage and appoint from time to time a duly qualified Person, or Persons, to teach the Common School of their Section; and to give such Person, or Persons, the necessary orders upon the Superintendent of their Township, Town, or City, for the portion, or portions, of School money to which, according to the provisions of this Act, *the* said Person, or Persons, shall be entitled. Engaging Teachers, &c.

Ninthly. To select from a list of Books which shall have been made out by the Board of Education for their County, the Books that shall be used in their School; and to allow in it the use of no other. Selecting books.

Tenthly. To see that their School is conducted according to the Regulations which shall be furnished by the Chief Superintendent. Seeing to the conduct of the School.

Eleventhly. To prepare and transmit annually, on, or before, the second Tuesday in January, a Report to the Superintendent of the Common Schools of their Township, Town, or City, which shall be signed by a majority of them, and be according to a form which shall be provided by the Chief Superintendent, and shall specify: Making annual report to the Superintendent.

Contents of the Report.

1. The whole time that the School of their Section shall have been in operation, under a qualified Teacher, during the year which shall have ended on the thirty-first day of December next before the day on which the Report shall be dated.

Contents of the Report.

2. The amount of money received from the Superintendent of the Schools of their Township, Town, or City, and the amount of money received from other sources, distinguishing the same, and the purposes for which all such moneys shall have been expended.

Contents of the Report.

3. The number of children over the age of five years, and under the age of sixteen years, residing in their Section on the last day of December aforesaid; the names of the parents, or others, with whom such children shall then respectively have been residing; and the number of children that shall have been residing with each.

Contents of the Report.

4. The number of children over the age of five years and under the age of sixteen years that shall have attended their School during the year; the number of Persons over the age of sixteen years that shall have attended during the same; the name of each individual of both classes, and the number of days that each individual shall have attended, and the month, or months, in which those days were.

Contents of the Report.

5. The branches which shall have been taught in their School during the year,—the number of pupils in each branch.—the sex, or sexes, of such pupils,—the Text Books used,—the number of Public Lectures on subjects connected with the objects and interests of Education which shall have been delivered in their Section during the year,— by whom they shall have been delivered.—the number of times which the Township, Town, or City, Superintendent, and any other Person, or Persons, shall have visited their School during the year,—and the names of such pupils as shall have distinguished themselves by good conduct and proficiency during the same.

Secretary-Treasurer to make a copy, for the Teacher, of the Report, &c.

XXXI. *And be it enacted*, That the Secretary-Treasurer of each School Section in Upper-Canada, shall make a fair copy of the Report of the Trustees of his Section, and shall, at, or before, the time of transmitting *the* said Report to the Township, Town, or City, Superintendent, certify *the* said copy to be true, and shall forthwith give it to the Teacher of the School of his Section; and the duty of the Teacher shall be to post the same immediately in a conspicuous place in the School House of *the* said section, and see that it be preserved for the information of the inhabitants of such Section, during at least one month from and after the time at which it shall have been posted.

Duty of Teacher as to the Report.

Duties of Teachers.

XXXII. *And be it enacted*, That it shall be the duty of every Teacher of a Common School in Upper-Canada, further:

Teacher's duties.

First. To teach diligently and faithfully, all the branches required to be taught in his School, according to the terms of his engagement with the Trustees of such School, and according to the provisions of this Act.

Teacher's duties.

Secondly. To keep a record which shall be according to a form which shall be provided by the Chief Superintendent.

Teacher's duties.

Thirdly. To maintain proper order and discipline in his School, according to the Regulations which shall be provided by the Chief Superintendent.

Teacher's duties.

Fourthly. To have, at the end of each quarter, a public examinaton of his School, and to give due notice of the time thereof to the Trustees of his School, and to the parents and guardians of his pupils, so that all interested in his School may have an opportunity of attending.

Teacher's duties.

Fifthly. To act as the Secretary to the Trustees of his School, if they shall require him, in the preparing of their Reports: Provided always, that the time of his engagement with such Trustees shall not have expired before the time of preparing such Report.

Teacher's duties.

Sixthly. To furnish, in writing, such information as the Superintendent of the Common Schools of his Township, Town, or City, shall require respecting the state of his School, or respecting any of his pupils, or respecting anything in regard to which it shall be the duty of such Superintendent to report, and respecting which it shall be in the power of such Teacher to give information.

Superintendent may withhold moneys until the annual Report is made.

XXXIII. *And be it enacted*, That the Superintendent of the Common Schools in each Township, Town, or City, in Upper Canada, shall have authority to withhold from any School Section, and from the Teacher, or Teachers, of any School Section, such portion, or portions, of moneys which shall have been apportioned to such Section, or raised therein for the School purposes thereof and shall be in his

hands on the first day of December in each year, until he shall have received from the Trustees of such Section their annual Report for such year.

Punishment of Trustees or Teachers making false Reports, &c.

XXXIV. *And be it enacted*, That if any Trustee of a Common School in Upper-Canada, or any Teacher of such School, shall, with the intent of obtaining a larger sum than the just proportion of School moneys to such School, make a false Report, or communicate false information to the Superintendent of the Common Schools of his Township, Town, or City, he shall, on his being convicted thereof, before any Justice of the Peace, on the complaint of any Person whatever, for each offence, forfeit a sum not exceeding Five pounds to the School Fund of his Township, Town, or City, and shall be liable to be tried and punished for misdemeanor.

Duty of Municipal authorities in levying a sum equal to that obtained from Government.

XXXV. *And be it enacted*, That the Municipal Council of each Township, Town and City, in Upper-Canada, shall, in every year, and within the limits of its powers of imposing taxes, cause to be levied for the payment of the Teachers of the Common Schools of its Township, Town, or City, for the then current year, such sum of money as, clear of all charges for the collection thereof, shall be at least equal to the amount of public money which shall have been apportioned to such Township, Town or City, for such year; and this sum, to be so raised, shall be placed upon the proper Collectors' Rolls, and shall be collected by such Collector in such manner as his duty shall be to collect any other tax for such Township, Town, or City, and shall be by him paid over to the Superintendent of the Common Schools of such Township, Town, or City, within the period fixed by law for the payment of rates to the Treasurer, to whom such other taxes, or rates, collected by him shall be payable; and such Collector shall, therewith, give to such Superintendent a statement, in writing, whereby such Superintendent shall know the amount which shall have been collected in each School Section; and such Superintendent shall pay to the Teachers of the Common Schools of his Township, Town, or City, such amounts as shall have been so certified by such Collector to have been collected in their School Sections respectively;

How collected.

Account by Collector.

Payments to Teachers.

Proviso as to Schools not reported upon.

Provided always, that such Superintendent shall retain in his hands the sum which shall be payable to the Teacher of any School Section, from which no sufficient Report for the year shall have been received, until the Trustees of his School shall furnish such Report.

Superintendent's duty, if the collector do not pay over the proper sum.

XXXVI. *And be it enacted*, That, in case the amount which the Superintendent of the Common Schools of any Township, Town or City, shall receive from the Collector of the rates of such Township, Town or City, for any School purpose, shall be less than the amount which, according to the By-law of the Municipal Council of his Township, Town, or City, providing for the collection of the same should have been collected in such Township, Town or City, it shall be the duty of such Superintendent to give notice of the discrepancy immediately to the Clerk of such Council, so that the Council may, as soon as possible, cause the Collector to account for it.

When the proper amount is raised, the money may be apportioned among the Teachers by a certain rule.

XXXVII. *And be it enacted*, That when the Municipal Council of any Township, Town, or City, shall have caused to be levied, for the payment of the salaries of the Teachers of the Common Schools of its Township, Town, or City, for the current year, as aforesaid, a sum at least equal to the amount of public money apportioned to such Township, Town or City, for such year, it may and shall be lawful for such Council to apportion the said public money to such Teachers according to the ratio of days which the aggregate attendance of the scholars of each School in such Township, Town, or City, shall exhibit, as compared with the days which the aggregate attendance of all the scholars of all the Schools in such Township, Town, or City, shall exhibit, and the Superintendent of the Schools of such Township, Town or City, shall pay such apportionments at such time as the said Council shall direct; Provided always, that a rate equal to the whole amount apportioned to [said] *such* Township, Town, or City, shall have been levied as aforesaid; *And provided also, that the attendance of any person, or persons, over the age of sixteen years shall not be included in the attendance according to which such apportionment shall be made.*

Proviso.

Municipality may impose such rates as shall be thought requisite for School purposes, on any School Section.

XXXVIII. *And be it enacted*, That it may and shall be lawful for the Municipal Council of each Township, Town and City in Upper-Canada, to cause to be levied on the inhabitants of all or any School Section within its Township, Town, or City, for the purchasing or procuring of School Sites,—the erecting, repairing, renting, furnishing, or warming, of School Houses,—the purchasing of necessary Books, Maps, Globes, Black-boards and other Apparatus for the use of the Schools for such Section,—for the payment of Teachers, and for Common School purposes generally, (and over and above the sum of money required by this Act to be equal to the

public money apportioned to [said] *such* Township, Town, or City),—such assessment as such Council shall judge to be expedient ; any thing in any law, or statute, to the contrary notwithstanding ;

Proviso ; conditions of additional assessment—consent of Trustees, &c.

Provided always, that the said additional assessment shall, in no case, be levied unless a majority of the Trustees of the School for the benefit of which [said] *such* assessment shall be intended, shall have petitioned for the same, and shall have certified such Council that a majority of the Landholders and Householders present at the School Section Meeting of their section, held on the second Tuesday of January in the then current year, did approve of such assessment ; And provided also, that, when an assessment for the full amount required for the support of the School of any Section for any year shall have been levied on the inhabitants of such Section, such School shall be free, and no fee shall be required of any inhabitant of the Section for instruction received therein, by his children, or himself, during [said] *such* year ; And provided further, that it may and shall be lawful, nevertheless, for the Trustees of [said] *such* School Section to determine and prepare a Rate Bill for the contingent expenses of such year, and to recover the same from the Person, or Persons, liable for the same, according to the provisions of this Act regarding the duties of Trustees.

Proviso,

Proviso.

How such assessment shall be collected.

XXXIX. *And be it enacted*, That the assessment so to be made for Common School purposes generally, shall be placed upon the proper Collectors' Rolls and shall be collected by the Collector, in [such] *the same* manner as it shall be his duty to collect any other rate for his Township, Town or City, and shall be paid over by him to the Superintendent of the Common Schools of the Township, Town or City, within the period fixed for the payment of rates to the Treasurer, to whom the payment of such other taxes, or rates, collected by him shall be payable : and such Collector shall give in writing to such Superintendent a statement of the amount payable to each School Section, and of the purposes also for which they shall be payable ; and such Superintendent shall, according to such statement, disburse such amounts to the Trustees of the School Sections in which they shall severally have been collected ; and in case the amounts specified in *the* said statement shall not agree with the amounts specified in the By-law, or By-laws, of the Municipal Council authorizing such assessment, it shall be the duty of such Superintendent to give to the Clerk of *the* said Council immediate notice of the discrepancy.

Collector to account.

Superintendent's duty.

Superior Schools may be formed for Unions of Sections.

XL. *And be it enacted*, That, in case a majority of the *rateable* inhabitants of each of any two or more adjoining School Sections shall petition the Municipal Council of the Township, Town, or City, in which such Sections may be situate, to unite such Sections for the purpose of establishing a School in which the Scholars shall be classified according to their knowledge, and each class shall be a separate department, and each department shall be under a different Teacher, and the Teachers thereof be under the supervision of a Head Master, who shall be Teacher of the senior department thereof, it may and shall be lawful for said Council to unite said Sections ;

Proviso ; suitable School House to be provided.

Provided always, that the Schools of the Sections respectively shall not be discontinued, nor such Sections be constituted one School Section until a suitable School House shall have been erected in a central and convenient place within the limits which shall constitute the new Section, nor until such School House shall have been completed to the satisfaction of the said Council, and according to a plan which shall have been approved of by such Council.

Effect of such Union of Sections as to their School property, &c.

XLI. And be it enacted, That when two, or more, Sections shall have been constituted one School Section, the powers of the Trustees of the several Sections shall cease, and the personal property of the several Sections, which shall have been held by the Trustees of them for School purposes, shall become vested in the Superintendent of the Common Schools of the Township, Town, or City, in trust for the new Section, until the Municipal Council of such Township, Town, or City, shall have called a first School Section Meeting in such Section, and until Trustees shall have been elected, as hereinbefore provided ; but the Trustees whose powers shall cease shall, nevertheless, not be relieved thereby from the obligations, liabilities and penalties belonging to their office as Trustees, until the Superintendent of the Common Schools of their Township, Town or City, shall have been satisfied respecting the same, and have relieved them, as hereinbefore provided.

Proviso as to Trustees.

Real property held for School purposes to be vested in the Municipality in trust.

XLII. *And be it enacted*, That all lands, houses, tenements and property of every description, which have been heretofore acquired for Common School purposes, and vested in the District Council of any District in Upper-Canada, or vested in the hands of Trustees, in any Township, Town, or City, in Upper-Canada, shall, after this Act shall be in force, be vested in the Municipal Council of the Township, Town or City, in which such trust may be situate ; and all such property to be

hereafter acquired for Common School purposes, in Upper-Canada, shall be vested in such Municipal Councils, in trust for the School Sections to which they shall respectively belong; and it may and shall be lawful for such Councils to sell, convey, or exchange, such property in such portions, and in such manner, and at such times as they shall judge to be expedient for the interests of the School Sections to which such property shall belong; They may alienate it, &c.

Provided always, that such property shall not be sold, nor conveyed, nor exchanged, nor in any way disposed of by any such Municipal Council, unless a Petition, or Memorial, signed by a majority of the Landholders and Householders resident in the Section to which such property shall belong, and praying for such disposal of such property, shall have been presented to *the* said Council; nor unless such disposal shall be for the better promoting of the objects for which such property shall have been acquired. Proviso: in what case only it may be alienated.

XLIII. *And be it enacted*, That, for the purposes of this Act, two or more adjoining School Sections which may be severally situated in two or more adjoining Townships, may be constituted one School Section; Provided always, that the provisions hereinbefore enacted in respect to such union shall have been complied with, and that the Municipal Councils of the Townships, Towns, or Cities, respectively in which such Sections may be situated, shall have concurred in such union. Sections in different Townships may be united. Proviso.

XLIV. *And be it enacted*, That every such Union School Section as shall be composed of portions of adjoining Townships, Towns, or Cities, shall, for the purposes of this Act, belong to the Township, Town, or City, in which the School House of the Section shall be located, and the inhabitants of such portion, or portions, as may not be in the Township, Town, or City, in which the School House may be located, shall, for all the purposes of this Act, be rated as belonging to the said Township, Town, or City, and the apportionments of public money which shall belong to said portion or portions, shall be paid into the hands of the Superintendent of the Common Schools of the Township, Town, or City, in which such School House shall be located; any thing in this Act, or in any law, or Statute, to the contrary notwithstanding. In what Township, &c., any such Union shall be held to be.

XLV. *And be it enacted*, That, in case any portion of any Township, or portions of adjoining Townships, be so situated that the inhabitants shall be unable to support a properly qualified Teacher, it may and shall be lawful for the Municipal Council of such Township to authorize any such Teacher to take charge of two Schools, and teach them on alternate days, or during alternate periods on the same day, *or during alternate weeks, or months, or any period that such Municipal Council shall judge to be expedient*; Provided, [always, that the number of children between the ages of five and sixteen years, residing in each School section, shall not exceed twenty; And provided also] that the distance to the extreme limits of one School Section to the extreme limits of the other shall not be less than eight miles. Teachers may be allowed to teach in two Sections. Proviso as to distance between such Schools.

XLVI. *And be it enacted*, That if the majority of the inhabitants of any School Section, in which a Grammar School is located, shall petition the Municipal Council of the County in which such Section may be situate, to constitute [said] *such* Grammar School the Senior Department of the School of the said Section, it may and shall be lawful for such Municipal Council to grant such Petition; Provided always that the union of the said School and the Common Schools of a Section shall not take place unless a suitable Building shall have been erected and completed, as aforesaid; And provided also, that the sum of money now annually appropriated and applied to the Teachers of each Grammar School in Upper Canada, by virtue of, and under the authority of the Act of the Legislature of Upper-Canada, passed in 1819, the Fifty-Ninth year of the Reign of King George the Third, and intituled: *An Act to repeal part of, and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same*,* shall, after the union of any such School and the Common Schools of the Section, be still appropriated and applied to the paying of the Salary of the Teachers thereof; And provided likewise, that no person, being an inhabitant of the County, in which such Section may be situate, shall be debarred from attending such School on the same terms that the Inhabitants of such Section shall be allowed to attend; And provided, moreover, that ten poor children, as is provided for in the Statute aforesaid, shall be taught thereat *gratis*. As to a Section in which the Grammar School lies. Proviso as to proper School House. Proviso as to Act of U.C. 59, G. 3, c. 4. Proviso: right to attend School. Proviso as to poor children.

XLVII. *And be it enacted*, That, when any Grammar School and the Common School of its Section shall have been united, as aforesaid, the Trustees of the Common School and the Trustees of the Grammar School shall jointly direct the Trustees of Grammar School, and of

* A copy of this Act of 1849 is printed on pages 148 and 149 of the First Volume of this Documentary History.

the Section, to act together for certain purposes.

course of instruction to be pursued in such united School, *and conjointly manage* [but shall, as respects their separate trusts, act] *the separate trusts thereof* as the provisions of law relative [thereto] *to such trusts* shall direct.

Grammar School to become a Model School in certain cases and on certain conditions.

XLVIII. And be it enacted, That, in case the Municipal Council of any County in Upper Canada shall have made provision in aid of any Grammar School lying within the boundaries of such County, and shall have caused suitable Buildings to be erected and furnished for the accommodation of such School, such School shall thereafter be a Model-School; and gratuitous instruction shall be afforded thereat to any Teacher of a Common School within the boundaries of such County, during such periods, and under such Regulations, as the Superintendent of the Common Schools of the Township, Town or City, in which such Common School may be located, shall direct.

Teachers of Grammar Schools, hereafter appointed must have a certain Certificate of Qualification.

XLIX. *And be it enacted*, That, in Upper-Canada, from and after the passing of this Act, no person shall be appointed to be the Teacher of any Grammar School, or the Head Master of any Model School, or the Head Master of any Common School, in which there shall be more than one Master, unless he shall have produced a Certificate of Qualification signed by the Principal, or Head Master, of the Normal School in and for Upper-Canada, *or shall have graduated at some University.*

Head Master of Normal School may give a Certificate of Qualification as a Teacher; its effect.

Proviso.

L. *And be it enacted*, That it may and shall be lawful for the Principal or, Head Master, of the Normal School in Upper-Canada, to give to any person a Certificate of Qualification to teach a Public School in that part of this Province: and any Public School that shall have been taught by a person holding such Certificate shall be entitled to receive such apportionment of public moneys as by this Act, or any other Act, or Statute, is, or shall be directed to be, paid to such School: Provided always, that such Certificate shall not be valid, and shall not entitle the holder thereof to any advantage therefrom, if it shall have been cancelled by the giver thereof, or his Successor, or by any person having competent authority to do so.

County Boards of Education to be appointed.

LI. *And be it enacted*, That it may and shall be lawful for the Governor, or Person administering the Government of this Province, to appoint not more than seven persons in each County in Upper-Canada, who shall be a Board of Education for their County.

Meetings of the Board.

Quorom.

Chairman.

Calling first meeting.

LII. *And be it enacted*, That *the* said Board shall meet on the first Tuesday in January, April, July and October in each year, or oftener, if they deem it to be necessary,—that three of their number shall form a *quorum* for the transaction of business,—that, at their first Meeting in every year, they shall choose one of their number to be their Chairman for the year,—and that their Meetings shall be held in the County Hall of their County; and it shall be the duty of the Person whose name shall stand first in the Commission appointing each Board, to call the first Meeting of each such Board.

County Clerk to be Clerk of the Board; his duties as such.

LIII. *And be it enacted*, That the Clerk of the County Municipal Council of each County in Upper Canada shall be the Clerk of the Board of Education of his County, and shall enter all the proceedings of *the* said Board in a Book to be kept by him for that purpose, and shall receive and keep for such Board all books and papers belonging to the Board, and, under the direction of the Board, shall prepare all their Reports, and do and execute all such writing, having reference to the duties of the Board, as the Chairman thereof, or any Member, thereof shall require of him.

Duties of the Board.

LIV. *And be it enacted*, That the duties of *the* said Board shall be:

Examining Teachers and giving certificates.

First. To examine all persons who shall offer themselves as Candidates for teaching Common Schools in their County, with respect to their moral character, learning and ability; and, if satisfied of the Candidate's qualifications in these respects, to give him a Special Certificate, authorizing him to teach the School specified therein for one year only; or a General Certificate, authorizing him to teach any Common School in the County, until such Certificate shall be revoked.

Annulling certificates

Selecting School books.

Secondly. To annul any Certificate given by them, or by any former Board, *or by the Master of the Normal School*, whenever they shall see just cause for doing so.

Thirdly. To select and recommend proper Text Books for the use of the [Common] *Public* Schools of their County, and to cause a list of such Books, as they shall select, to sent to each Township, Town and City Superintendent of Schools in their County, be for his guidance and direction: Provided always, that no person attending [a Common] *any Public* School shall be required to read, or study, any [Religious] book *containing controverted theological dogmas, or doctrines*, or to join

Proviso as to religious exercises.

in any exercise of Devotion, or Religion, which shall be objected to by him, or, (in case he be a child,) shall be objected to by his parents, or guardians.

Fourthly. To keep a record of their proceedings, and report, annually, to the Superintendent of [the] Schools [of] *for* Upper-Canada, at their Meeting which shall be in July, giving a statement of their proceedings, and such other statements and suggestions relative to education, as they deem expedient. Recording their proceedings and reporting to Superintendent for U. C.

LV. *And be it enacted*, That it may and shall be lawful for the Municipal Council of any Township, Town, or City, to constitute any one of the Common Schools of its Township, Town or City a Model-School for such Township, Town, or City, and to appropriate in aid thereof, a sum in each year not exceeding Twenty-Five pounds, over and above the sum to which such School shall be entitled as a Common School of such Township, Town, or City : Municipal Council may constitute any School a Model-School.

Provided always, that any sum, so appropriated, shall be expended in the payment of a Teacher, or Teachers, and for no other purpose ; And provided also, that a suitable School House shall have been provided for the accommodation of such School, and gratuitous instruction shall be afforded at such School to all Teachers of Common Schools within such Township, Town, or City, during such periods, and under such Regulations as the Superintendent of such Schools may, from time to time, direct. Proviso. Proviso as to suitable School House, &c.

LVI. *And be it enacted*, That there shall be in Upper-Canada a Normal School, which shall contain one, or more, Elementary Model-Schools, in which Teachers of Common Schools shall be instructed in the Science of Education, and, be taught the Art of Teaching, according to such Regulations as the Board of Managers hereinafter provided for may make, and as the Governor-in-Council may approve of. Normal School for Upper Canada : its purposes.

LVII. *And be it enacted*, That the Governor of this Province shall have the authority to appoint not more than seven Persons, (of whom the Superintendent of Schools for Upper-Canada shall be one,) who shall be a Board of Directors for superintending the Normal School for Upper-Canada, and shall hold office during pleasure, and be subject to all lawful orders and directions, in the exercise of their duties, that shall, from time to time, be issued by the Governor. Board of Directors to be appointed for the Normal School.

LVII. *And be it enacted*, That the duty of *the* said Board of Directors, shall be to adopt needful measures for establishing a Normal School, as aforesaid, and for procuring and furnishing suitable Buildings for the accommodation of such School, and for procuring Books and Apparatus,—to determine the number of Teachers which shall be in such School, and the compensation which they, or others, who may be employed therein, shall receive for their services,—to prescribe the conditions on which pupils shall be received into such School,—to make, from time to time, Rules and Regulations for the management and good government of such School,—and to do all other things that they may deem expedient to promote the objects and interests of such School. Duties of the Board of Directors.

LIX. *And be it enacted*, That the Meetings of such Board shall be held at such place as shall be appointed by the Superintendent of Schools for Upper Canada,—that the first Meeting thereof shall be called by *the* said Superintendent —that thereat the Board shall appoint a Chairman, who shall hold office during the pleasure of the Board,—that, in the absence of such Chairman, a Temporary Chairman may be appointed,—that the said Board shall appoint the times of its ordinary Meetings,—that a special, or extraordinary, Meeting may be called at any time by the Chairman of the Board, or by the said Superintendent, but notice thereof must be given in writing to the other Members to be present,—that at all Meetings of the Board, three Members shall be a quorum for the transaction of business,—that the Secretary, or Clerk of the Normal School, shall be the Recording Clerk to the Board, and shall enter all its proceedings in a Book to be kept for that purpose,—and that the expense attending the proceedings of the Board shall be accounted for as part of the contingent expenses of the Normal School. Meetings of the Board. Chairman, &c. Special Meetings. Quorum. Secretary ; his duties, &c.

LX. *And be it enacted*, That a sum not exceeding One Thousand Five hundred pounds, (£1,500,) shall be, as heretofore, yearly allowed for the salaries of Teachers, and for all other contingent expenses of such Normal School ; and that a further sum not exceeding One Thousand Five hundred pounds (£1,500,) in the aggregate shall, when required, be expended in procuring suitable Buildings and accommodation for *the* said School. Appropriation for Normal School continued.

LXI. And be it enacted, That the Board of Directors for the Normal School, shall be a Board of Education for Upper-Canada, and its duty, as such Board of Education, shall be to counsel and direct the Chief Superintendent of Schools for Directors of Normal School to be a Board of Edu-

cation for U. C. Their duties.

*Upper-Canada in respect to the duties hereinbefore and hereinafter required of the said Superintendent to discharge.**

Aid to persons wishing to become Teachers.

LXII. *And be it enacted*, That it may and shall be lawful for the Superintendent of Schools for Upper-Canada, *by and with the advice of the other Members of the Board of Education for Upper-Canada*, to appropriate out of the Legislative grant for Common Schools, a sum not exceeding One Thousand pounds (£1,000,) annually to the assisting of such persons as may be desirous to be qualified to be Teachers of Common Schools, and shall have been recommended by the Board of Education of any County, as fit and proper to be received into the Normal School, but shall not have means sufficient for their maintenance thereat;

Proviso: conditions on which such aid may be given.

Provided always, that any person to be so assisted shall, before he be received into the said School, enter into a Bond with two sufficient Sureties, which shall be to the Board of Directors of the said School, that he shall, during [at least — years] *such time as the Board of Directors of the Normal School shall have stipulated with him*, after he shall have received a Certificate of Qualification, teach a Common School in Upper-Canada, or repay the amount which shall have been expended from the aforesaid Grant on his account.

Board may grant certificates of qualification as Teachers: their effect.

LXIII. And be it enacted, That it shall and may be lawful for the Board of Education in Upper-Canada, to give to any person who shall have satisfactorily complied with such course of studies as shall have been required of him, according to the regulations of the Normal School, a Certificate of Qualification to teach a Public School in Upper-Canada, and such Certificate shall, until the end of one year after the date thereof, entitle any Public School that shall have been taught by the holder of such Certificate, during not less than six months of such year, to receive such apportionment of public money as by this Act, or any other Act, or Statute, is or shall be directed to be paid to such School.

Directors of Normal School, and all Trustees for School purposes in U. C., to report and account yearly to the Chief Superintendent.

LXIV. *And be it enacted*, That it shall be the duty of the Board of Directors of the Normal School of Upper-Canada, and the duty, likewise of the Trustees, or Managers, of all Trusts for purposes of Education in Upper-Canada, (respecting a Report from whom there is no other provision in this Act,) to prepare and transmit annually, on or before the *twenty-first* day of *December*, to the Superintendent of Schools for Upper-Canada, a detailed account of all moneys received by them for their respective Trusts during the year, and of how such moneys shall have been expended, and to give such additional information respecting such Trusts and the Institution, for which they shall be held, as shall be in their power to give.

Aid towards a Teachers's Institute in each County.

LXV. *And be it enacted*, That it may and shall be lawful for the Governor-in-Council, to expend annually a sum not exceeding Twenty-Five pounds in any County, or Riding, in Upper-Canada for the encouragement of a Teachers' Institute in each County, or Riding, under such Regulations as may from time to be prescribed by the Superintendent of Schools for Upper-Canada, by and with the sanction of the Governor-in-Council.

Aid towards Common School Libraries in U. C. Premium to be given for best plans for School Houses.

LXVI. *And be it enacted*, That it may and shall be lawful for the Governor-in-Council, to expend annually a sum not exceeding Two Thousand pounds, (£2,000,) for the establishment and support of Common School Libraries in Upper-Canada, under such Regulations as may from time to time be prescribed by the Superintendent of Schools for Upper-Canada, by and with the sanction of the Governor-in-Council.

Sums appropriated by this Act to be de-

LXVII. And be it enacted, That it shall and may be lawful for the Governor of this Province, by and with the advice of the Executive Council, at such time as he shall deem expedient to publish in the Canada Gazette, or other Official, Gazette, and such other papers as he shall deem necessary, to give the same sufficient publicity, that Fifty pounds, (£50,) will be given for such three best plans of School Houses, as shall, at such time as the Governor shall name, have been submitted and approved of.

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* The provisions in this and the next Section of this Act more than bear out the remark of the Chief Superintendent of Education, in his Letter to the Provincial Secretary of the 23rd of February, (inserted subsequently in this Volume,) in which he said:

"The New School Bill has been conceived, and several of its provisions have undoubtedly been drawn up, in a spirit of hostility to myself personally."

The 61st Section, here inserted, was not in the Bill when Dr. Ryerson wrote that Letter to the Provincial Secretary. It was passed subsequently, as were the words in italics in the 62nd Section. They give emphasis to the statement of the Chief Superintendent, in that Letter, for, by these two Sections, he was placed under the direction of a subordinate Body, instead of being, as heretofore, solely under the direction of the Governor-General in-Council. These Sections provided that the Chief Educational Officer of the Government should in the future be counselled, directed and advised by a Provincial Board of Education, created by this Act.

LXVIII. *And be it enacted*, That the sums specially authorized to be expended under the provisions of this Act, shall, in the order in which provision is made for the expending of them, be deducted from the portion of the Legislative Grant for Common Schools, payable to Upper-Canada, and be payable in the same order; Provided always, that the amount heretofore appropriated for the support of the Normal, Model and Common Schools in Upper-Canada, shall not be lessened by the deduction of such sums therefrom.

Sums deducted from the grant to U. C. Proviso as to certain grants.

LXIX. AND WHEREAS the children of the Coloured Inhabitants of certain portions of Upper-Canada, have, by causes arising from the prejudices and ignorance of certain other inhabitants of *the* said portions of *the* said part of this Province, been prevented from attending the Common Schools of the Sections, in which they respectively reside:

Recital.

Be it enacted, That it may and shall be lawful for the Municipal Council of the Township, Town, or City, in which such Coloured Inhabitants reside, to authorize the establishing of any number of Schools for the education of the children of Coloured people that they may judge expedient; and such Schools shall be subject to the same Regulations and Obligations that this Act prescribes in respect to all the Common Schools in Upper-Canada:

Schools may be established for colored people.

Provided always, that such Schools shall be aided from the School Relief Fund of the County in which their Section may be situate, or shall receive their apportionments of the public moneys for the support of Common Schools, according to the same ratio according to which such moneys shall be apportioned to the other Common Schools in Upper-Canada.

Proviso as to aids, &c., to such Schools.

LXX. *And be it enacted*, That such Coloured people shall be entitled to receive for the support of the Teachers of their School, *or Schools*, such sum, or sums, of money as they may have paid for School purposes to the Collector of the rates of their Township, Town, or City; and it shall be the duty of such Collector to account for the same to the Superintendent of the Schools of such Township, Town, or City, in the way and manner hereinbefore prescribed in respect to the School moneys belonging to other Common Schools; and the duty of such Superintendent shall be to pay to the Trustees of such Coloured School, *or Schools*, the sum, or sums, so belonging to such Teacher, or belonging to such Coloured School, *or Schools*, for the purposes thereof.

Allowance for the Teachers of colored Schools.

LXXI. *And be it enacted*, That it shall be the duty of the Superintendent of the Common Schools of any Township, Town, or City, in Upper-Canada in which there may be Separate Schools for Coloured people, to report respecting such Schools in his Annual Reports to the Municipal Council of his Township, Town, or City, and to the Municipal Council of his County, stating, in respect to the Coloured population of his Township, Town, or City, all that he is hereinbefore required to state in respect to the White population thereof; and it shall be the duty also of such Superintendent in whose Township, Town, or City, there may be Coloured people, or people who are Aborigines of Canada, residing, to communicate in his Reports aforesaid, such information respecting the State of Education among such people as may be in his power.

Duty of local Superintendent as to colored Schools.

LXXII. *And be it enacted*, That it shall be the duty of each County Municipal Council in Upper-Canada, to cause an Annual Report of the state of the Common Schools of their County to be made in such form as shall be prescribed by the Superintendent of Common Schools for Upper-Canada, and to be transmitted at such time as the said Superintendent shall appoint; and also to furnish to the said Superintendent, from time to time, such additional information as he may require; and it shall be the duty of such Superintendent to retain in his hands the sum apportioned to any County, till, from the Municipal Council of such County, he shall have received such Report, and such information as he shall have required therefrom.

Municipal Council to make yearly reports on School matters to the Superintendent for U. C., &c.

LXXIII. *And be it enacted*, That each District Superintendent of Common Schools, who may be in office on the thirty-first day of December of this present year, shall continue to exercise all the powers, which he is now authorized to exercise, and to perform all the duties which he is now required to perform, until the first day of March of the year one thousand eight hundred and fifty; and shall, on *the* said day, deliver into the hands of the Superintendent of Common Schools for each Township, Town, or City, within his District, all papers in respect to the Common Schools of each, and all moneys, (remainining in his hands,) which shall have been apportioned to each; and for every refusal to comply with this enactment, on the part of any District Superintendent of Common Schools, he shall be subject to forfeit, *to the use of the Township, Town, or City, interested in such refusal*, twice the

Present District Superintendents to deliver all papers, moneys, &c., to the Superintendents appointed under this Act, on 1st March, 1850.

amount of the sum, or sums, of moneys, (exclusive of costs,) which may be involved in such refusal; and it shall be the duty of the Superintendent of Common Schools for each Township, Town, or City, interested in such refusal, to sue any such defaulting District Superintendent of Common Schools, *for the amount of such forfeit before any Court of Law competent to take cognizance of such cases, and to collect the same with the costs thereon;* and the amount which he shall collect shall, after deducting necessary expenses, be added to the apportionment of School moneys to such Township, Town, or City, for the then current year, and be distributed therewith to the Common Schools of such Township, Town, or City, as hereinbefore provided.

Action given in case of refusal, &c.

Present Normal School to be that of U. C. until altered, &c.

LXXIV. *And be it enacted*, That the Normal School now in operation at Toronto, in Upper-Canada, shall, for the purposes of this Act, and until otherwise provided for, according to the provisions of this Act, continue to be the Normal School for Upper-Canada; and the Teachers thereof, and all others being Servants employed therein, shall continue to discharge their duties as heretofore, until they shall have been superseded by the appointment of other Persons, according to the provisions of this Act.

Board of Education for U. C. to deliver its papers and moneys to Superintendent for U. C.

LXXV. *And be it enacted*, That the Board of Education for Upper-Canada, shall, on the first day of January of the year one thousand eight hundred and fifty-*one*, deliver to the Superintendent of Schools for Upper-Canada, all papers and moneys in their hands or keeping respectively, and belonging to their respective Trusts; and the said Superintendent shall hold the same for such Trusts respectively, or shall dispose of them as hereinbefore provided, or if there be no provision relative to the disposal of them, then the Governor-in-Council may give the necessary directions relative thereto.

Teachers to be classified.

LXXVI. *And be it enacted*, That the Teachers who shall receive Certificates of Qualification under this Act, shall be arranged in three classes, according to their attainments and ability, in such manner as shall be prescribed by the Superintendent of Schools for Upper-Canada, with the sanction of the Governor-in-Council.

After 1st Jan., 1850, no Teacher to be deemed qualified unless he has a certificate.

LXXVII. *And be it enacted*, That, from and after the first day of January of the year one thousand eight hundred and fifty-*one*, no Teachers of a Common School in Upper-Canada shall be deemed to be qualified unless he shall have received a Certificate of Qualification, either from the County Board of Education, signed by the Chairman, or from the Principal of the Normal School of Upper-Canada.

School of Art and Design to be established in U. C. when the state of the School Fund shall permit.

LXXVIII. *And be it enacted*, That when, over and above the sums hereinbefore provided for the purpose of Education in Upper-Canada, there shall be of that portion of the Legislative Grant for Common Schools, which shall belong to Upper-Canada, a sum sufficient for the establishing and maintaining of a School of Art and Design for Upper-Canada, it [may and shall] *shall and may* be lawful for the Governor-in-Council, to appropriate for the establishing and maintaining of such a School, a sum, not exceeding in any year, Five Hundred pounds (£500,); and such School shall be in connection with the Normal School [for] *of* Upper-Canada, and shall be under the control of the Board of Directors of the said Normal School: and such Board shall make Regulations for the said School of Art and Design, and shall manage all the affairs thereof, and do, in respect thereof, in all things as they are hereinbefore required to do, in respect to the said Normal School.

Power to Municipal Council to decide certain School matters.

LXXIX. *And be it enacted*, That the Municipal Councils of Townships, Towns and Cities in Upper-Canada, shall, within the limits of their respective Townships, Town and Cities, have competent jurisdiction to decide upon all matters relating to Common Schools, which shall have been submitted to them by *the* parties interested, and for the deciding of which no provision is hereinbefore made; and the decisions of such Councils shall be final.

Interpretation clause

LXXX. *And be it enacted*, That the word "Teacher," wherever it occurs in this Act, shall mean "Female Teacher" as well as "Male Teacher," excepting when it is applied to the Principal, or Head Master of a Normal, or Model School, in which there may be more than one Teacher; and for all the purposes of this Act, Incorporated Villages shall be implied in the terms, "Township, Town and City," *and the word "School," shall likewise mean "Schools" and shall apply to Schools for females as well as males*, and such Villages shall be entitled to all the privileges, and be under all the obligations belonging to Townships, Towns and Cities, by virtue of and under the authority of this Act.

Repeal of former Acts, and commencement of this Act.

LXXXI. *And be it enacted*, That upon, from and after the first day of January of the year one thousand eight hundred and fifty, all Laws and Statutes heretofore, or now in force, for the Establishment and Maintenance of Common Schools in Upper-Canada, or for the amendment of any such Laws, or Statutes, shall be

repealed ; and that this Act shall have force and effect, upon, from and after the said day, and not before ; Excepting always, that it may and shall be lawful for the Governor immediately after the passing of this Act, to issue any Commission, or make any appointments, or for the Governor-in Council to adopt such preparatory measures for the carrying out of the provisions of this Act, as he may deem expedient ; such Commission, appointments and measures to come into force upon, from and after the said first day of January, [1850] *one thousand eight hundred and fifty*, and not before.

Proviso as to preparatory measures.

12TH VICTORIA, CHAPTER CVII.

An Act to Incorporate the College of Bytown.

The Earl of Elgin and Kincardine, Governor-General of British North America.

Passed on the 30th of May, 1849.

Whereas His Lordship, Joseph Eugene, Roman Catholic Bishop of Bytown, hath, by his Petition to the Legislature, represented that a College hath been established at Bytown for the education of youth, and hath prayed that Corporate Powers be conferred on the said College, and, in consideration of the great advantages to be derived from the said Institution, it is expedient to grant the prayer of the said Petition :

Preamble.

Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled :—An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same,

Imperial Act of 1840.

College incorporated as the College of Bytown.

That the said College, which shall be composed of the Roman Catholic Bishop of Bytown, as President thereof, the Superior of the said College, the Curé of the Parish of Bytown, the Director of the said College, the Professors of Philosophy and Belles Lettres, and the Bursar of the said College, together with all such other necessary Officers, as may be hereafter appointed, under the provisions of this Act, and their several and respective successors,—shall be, and is hereby constituted a Body Politic and Corporate, in deed and in name, by and under the name of The College of Bytown, and by that name shall have perpetual succession and a Common Seal, and shall have power from time to time, to alter, renew, or, change such Common Seal at their pleasure, and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire hold, possess and enjoy, and to have, take and receive, to them and their successors, to and for the uses and purposes of the said Corporation, any Lands, Tenements, and Hereditaments, and Real, or immovable, Property and Estate, situate, lying and being within this Province, not exceeding in yearly value the sum of Two Thousand pounds, (£2,000,) currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose ; and by the said name shall and may be able and capable is law to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and places whatsoever, in as large, ample and beneficial a manner as any other body politic, or corporate, or as any persons able, or capable in law may, or can, sue and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever ; and any majority of the Members of the Corporation, for the time being, shall have power and authority to make and establish such By-Laws, Rules, Orders and Regulations, not being contrary to this Act, nor to the Laws in force in this Province, as shall be deemed useful, or necessary, for the interests of the said Corporation, and for the management thereof, and for the admission of Members into the said Corporation, and, from time to time, to alter, repeal and change the said By-Laws, Rules, Orders and Regulations, or any of them, or those of the said Institution in force at the time of the passing of this Act ; and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall, or may, appertain thereto ; subject, nevertheless, to the Rules, Regulations, Stipulations and Provisions, hereinafter prescribed and established.

Corporate powers.

Holding real property.

Value limited.

Making By-Laws.

General powers.

II. Provided always, and be it enacted, That the rents, revenues, issues and profits of all Property, Real, or Personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the Members of the Corporation, the construction and repair of the Buildings requisite for the purposes of

To what purposes only the revenue of the Corporation

poration shall be applied.

the said Corporation, and to the advancement of education by the instruction of youth, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property of the present Institution vested in the Corporation, and its By-Laws made those of the Corporation until altered.

III. And be it enacted, That all and every the Estate and Property, Real and Personal, belonging to, or hereafter to be acquired by, the Members of the said Institution as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established; and the By-Laws, Rules, Orders and Regulations now made for the management of the said Institution, shall be and continue to be the By-Laws, Rules, Orders and Regulations of the said Corporation until altered, or repealed, in the manner herein provided.

Corporation may appoint Attorneys, Officers, etc.

IV. And be it enacted, That the Members of the said Corporation, for the time being, or a majority of them, shall have power to appoint such Attorney, or Attorneys, Administrator, or Administrators, of the property of the Corporation, and such Officers and Teachers and Servants of the said Corporation as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them such compensation for their services, respectively, as shall be reasonable and proper; and all Officers, so appointed, shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the By-Laws, Rules, Orders and Regulations of the said Corporation.

Powers of Officers.

Individual Members not to be liable for the debts of the Corporation.

V. And be it enacted, That nothing herein contained shall have the effect, or be construed to have the effect, of rendering all, or any, of the Members of the said Corporation, or any person, whatsoever, individually liable, or accountable, for, or by reason of any debt, contract, or security, incurred, or entered into, for, or by reason of, the Corporation, or for, or on account, or in respect of, any matter, or thing, whatsoever, relating to the said Corporation.

Corporation to lay yearly before the Legislature a statement of their property, etc.

VI. And be it enacted, That it shall be the duty of the said Corporation to lay before each Branch of the Provincial Legislature, within fifteen days after the beginning of each Session, a detailed Statement of the number of Members of the said Corporation, the number of Teachers employed in the various branches of instruction, the number of Scholars under instruction, and the Course of Instruction pursued, and of the Real, or immoveable Property, or Estate, held by virtue of the present Act, and of the revenue arising therefrom.

Rights of the Crown saved.

VII. And be it enacted, That nothing herein shall affect, or be construed to affect, in any manner, or way, the rights of Her Majesty, Her Heirs or Successors, or of any person, or persons, or of any body politic, or corporate, such only excepted as are hereinbefore mentioned and provided for.

Act to be a Public Act.

VIII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace and other Persons whatsoever, without being specially pleaded.

12 VICTORIA, CHAPTER CXI.

AN ACT TO ENABLE THE TRUSTEES OF THE OTTAWA DISTRICT GRAMMAR SCHOOL TO SELL THE PRESENT SCHOOL HOUSE, AND APPLY THE FUNDS ARISING FROM THE SALE THEREOF TOWARDS PURCHASING A NEW SITE, AND ERECTING A NEW SCHOOL HOUSE IN THE TOWN OF L'ORIGINAL.

The Earl of Elgin and Kincardine Governor General of British North America.

Passed on the 30th of May, 1849.

Preamble. Act U. C., 8 G. 4. c. 22, cited.

WHEREAS, by authority of the Provincial Statute of Upper Canada, passed in the Eighth year of the Reign of King George the Fourth, and intituled: An Act to authorize the Reverend John McLaurin to convey to the Ottawa District School Trustees a lot of Land for the purposes therein mentioned, the late Reverend John McLaurin, late of the Township of Longueuil, in the District of Ottawa, conveyed to the Trustees of the Ottawa District Grammar School, and their successors in office, a certain Stone Building, situate in the said Township of Longueuil, and built expressly for a District School House, with one acre of Land thereunto attached, for the use of the said District School for ever*:

AND WHEREAS the said School House is in a dilapidated state, and from its distance from the Town of L'Orignal, it is not adapted to the use for which it was

* For reference to this Act, passed in 1827, see page 211 of the First Volume of this Documentary History.

intended, and it is expedient to sell the same and appropriate the funds arising from the sale thereof towards purchasing a Site and erecting a new Building for the purpose, in the Town of L'Orignal :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled : An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, Imperial Act of 1840.

That it shall and may be lawful for Charles Platt Treadwell, Charles Hersey, James Penrose Wells, Thomas Higginson, James Stirling, John Kearns, James McCaul, and John Edwards, Esquires, Trustees of the said Ottawa District Grammar School, or a majority of them, to sell the said School House and the Land attached thereto, and the said Trustees, or a majority of them, are hereby empowered and authorized, by Deed of Conveyance under their hands and seals, to grant, bargain, sell and convey in fee simple, the aforesaid School House, with the Land thereunto attached, unto such person, or persons, as may be disposed to purchase the same. Trustees empowered to sell the School House.

II. *And be it enacted*, That the Trustees aforesaid, or a majority of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the said School House in the purchase of such other Site in the said Town of L'Orignal as they may, in their judgment, consider the most advisable for the benefit of the said Trust, and the said Trustees, or a majority of them, are hereby empowered and required to receive and take a Conveyance of the Land so to be by them purchased, as aforesaid, with the money aforesaid, in trust, for the use and purpose aforesaid; and with such succession and limitation of the said Trust as may be deemed expedient to secure the same in perpetuity for the use and purpose aforesaid, according to the true intent and meaning hereof : Another site to be purchased with the proceeds, etc.

Provided always, that in the event of there being any surplus of money in the hands of the said Trustees after purchasing the said Site, such balance shall be by them expended in erecting the said School House. Proviso : Surplus to be expended on the School House.

AN ACT TO RAISE AN INCOME OF ONE HUNDRED THOUSAND POUNDS, (£100,000,) OUT OF THE PUBLIC LANDS OF CANADA FOR COMMON SCHOOL EDUCATION.

NOTE. This Act like the preceding one, was passed on the 30th of May, 1849, but, "as it contained clauses relating to and affecting Her Majesty's prerogative" it was "reserved for the signification of Her Majesty's pleasure." See page 133 of this Volume.

On the 9th of March, 1850, this Act was sanctioned by Her Majesty in Council; and, on the 27th of May, 1850, this fact was communicated to the Legislature of Canada by the Governor General.

CHAPTER X.

PROCEEDINGS OF THE COUNCIL OF KING'S COLLEGE IN 1849.

NOTE. Only matters of general, or public, interest are embodied by me in these "Proceedings."

4. *January 17th, 1849.* The Reverend Doctor McCaul, President, made the following Report on the Arrears of Business in the Bursar's Office :

1. The President feels it to be his duty to press upon the attention of the Council, the necessity of making arrangements, with as little delay as possible, for the purpose of facilitating the despatch of Business in the Bursar's Office.*

2. Since the last Report on this subject in February, 1848, there has been a considerable addition to the arrears of Business, and it is now absolutely necessary for the interests, alike of the Public and of the Institution, that measures should be immediately taken to secure prompt attention to the communication addressed to the Bursar, to which he cannot reply without reference to the Council, or to one of its Committees. Of the necessity for change, it is unnecessary to adduce further proof than that derived from a perusal of the Minutes of the Council and of the Land and Finance Committees. From an examination of these, it appears, that from October 1st, 1847, when these Committees were organized, until the end of 1848, at more than one third of the Meetings of Council, there was not a Quorum for the transaction of business ;† at about two thirds of the Meetings of the Land Committee, there were not three members present, and at about one half, there was but one ; while no meeting of the Finance Committee has ever been attended by two of its Members at the same time. The result has been, that important business has been neglected ; serious inconvenience and injury have been sustained by applicants ; and the Institution has materially suffered in public estimation ‡

3. The President, therefore, most strongly recommends to the Council, the propriety of immediately adopting measures, whereby, whilst the Trust committed to their charge is carefully superintended, all who have business with the Establishment, shall receive prompt attention and early replies to their Communications.

January 20th, 1849. Moved by the President, McCaul, seconded by Professor Gwynne, whereas it appears, that many of the Students have returned to the new Building and are at present in residence, the following be a Committee, to consider the action of the second and third Minutes of October 28th, 1848 :§ Doctor Beaven, the Dean, Professor Croft, the Proctor, Mr. F. W. Barron, the Principal of Upper Canada College, and to report, with as little delay as possible, on the course which should be adopted under the circumstances, with a view to the maintenance of the advantages at present afforded by the Establishment, and, at the same time, to the observance of a rigid system of economy.

The Bursar was instructed to write to the Commissioner of Crown Lands, informing him, that the Council are desirous, previously to deciding on the proportion made by him, in his Letter of the twenty-second of August, 1848, of having the lot erroneously conveyed to them, and that offered in exchange, inspected, in order that they may ascertain their relative values. Their doubt on this point being mainly suggested by the consideration that the former, when conveyed to them, was under Lease, and improved, as were the great majority of the Lots, forming the Endowment of the University ; whereas it appears, that the latter is wild Land. He was also directed to inquire whether the Commissioner of Crown Lands would undertake the necessary expenses of this inspection.

January 24th, 1849. The Council of King's College was summoned to meet this day ; but the Members present were not sufficient to constitute a Quorum.

January 31st, 1849. The Council of King's College was summoned to meet this day ; but the members present were not sufficient to constitute a Quorum.

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* See reference to this subject of the Bursar's Office on page 73 of the Seventh Volume of this Documentary History.

† See pages 73, 75 and 77 of the Seventh Volume of this Documentary History.

‡ See the comments of the University Commission of inquiry into the affairs of King's College, in regard to neglect of duty of this kind, on the part of the Council, printed on pages 8, 12, 17, 18, 22, and 24 of this Volume.

§ See pages 239, 240 of the Seventh Volume of this History.

The Bursar placed on the Table, his usual three monthly Returns. The following most important one is alone inserted :—

Particulars of Assets :	Amount on the 27th of December, 1848. £	s.	d.	Amount on January 31st, 1849. £	s.	d.
Negotiable Securities.						
Public Debentures	26,777	10	8	27,895	0	8
Stock of the Bank of Upper Canada	250	0	0	250	0	0
Stock of the Gore Bank	187	10	0	187	10	0
Lands In Fee Simple :	£27,215	0	8	28,332	10	8
Value of Land Assigned by the Messieurs Ridout	540	14	0	540	14	0
Value of the Brantford Property	4,227	14	0	4,227	14	0
Value of the Ashfield Property	780	0	0	780	0	0
Assigned by Mr. Barber	1,150	0	0	1,150	0	0
Bay Street Property	2,300	0	0	2,300	0	0
Garrison Common	2,362	10	0	2,362	10	0
Elora Property	525	0	0	525	0	0
Peterborough Property	235	0	0	235	0	0
Port Albert Property	35	0	0	35	0	0
Hamilton Property	7,970	16	8	7,970	16	8
Secured On Bond, or Mortgage.	£20,126	14	8	20,126	14	8
Colonel Wells	1,669	15	8½	1,669	15	8½
T. G. Ridout	875	0	0	875	0	0
John Radenhurst	875	0	0	875	0	0
Cathedral of St James	3,500	17	0	3,500	17	0
George Ridout	3,064	8	3	3,064	8	3
John Ritchie	1,000	0	0	1,000	0	0
James Good	1,000	0	0	1,000	0	0
James Hunter	200	0	0	200	0	0
John Cochrane	143	8	8	143	8	8
Mr. Sheriff Jarvis	750	0	0	750	0	0
Henry Rowsell	500	0	0	500	0	0
	£14,578	9	7½	13,578	9	7½
Add Interest accrued on Debentures	619	6	11	.....	..	..
Deduct cash overdrawn from.....	409	13	1	.....	..	..
Bank of Upper Canada	.....	..	..	209	13	10
Add cash in Bursar's hands	.....	..	..	154	9	3
	.....	..	..	364	3	1

Particulars of Investments.						
Transactions in Short Government Debentures.						
Remaining on December 27th, 1848	1,765	0	0			
Purchased within the month	1,110	0	0			
				£2,875	0	0
Recapitulation of Assets.						
Negotiable Securities	27,215	0	8	28,332	10	8
Lands in Fee Simple	20,126	14	8	20,126	14	8
Secured on Bond or Mortgage	13,578	9	7½	13,578	9	7½
	£60.920	4	11¼	62,037	14	11½

February 17th, 1849.—Read the following Letter from the Provincial Secretary, dated the 5th instant, requiring, by command of the Governor General, for his Excellency's information, certain returns respecting the University of King's College ;—

I am commanded by the Governor General to request that you will furnish me at your earliest convenience for His Excellency's information, with the particulars of the expenditure of the Endowment, in aid of the University of King's College, the names of the Professors who are employed, the number of pupils attending the College, and the course of instruction pursued, and also the Religious Body (if any) with which the Institution is connected. This Return is to embrace the period from the 1st January 1845 to the 31st December last, and is to specify the expenditure in each year.

MONTREAL, 5th of February, 1849. J. LESLIE, Secretary.

Whereupon it was moved by Professor W. C. Gwynne, seconded by Professor H. H. Croft, resolved, That the Bursar be directed, as soon as possible, to furnish the information required by the Governor General, in the foregoing Letter of the Provincial Secretary. (*Carried.*) (Note by the Bursar on this order) :—

The Letter of the Provincial Secretary of the 5th of February, referred to me is not sufficiently precise in its expressions to enable me to be quite certain that I have complied with its object. It calls for a return of the expenditure of the University Endowment for four years. I have given the Receipts and Expenditure, from all sources, for the period, believing it could not have been intended to confine the application merely to Expenditure and solely to that of Endowment, and, understanding that a separate Return of Upper Canada College has been called for from the Principal of that Institution, I have confined myself to the affairs of King's College. The Returns of the names of Professors and of the number of students I trust will be found to be in terms of the Letter. The President will supply the materials for a Return of the course of Instruction used in the University. With regard to the connection of the University with any Religious Body, I submit the best Return that occurs to me.

TORONTO, February, 1849. H. BOYS, Bursar.

(NOTE. These Returns were laid by the Bursar before the Council at its next Meeting.)

A Letter from the Commissioner of Crown Lands, was read, dated the 3rd Instant, respecting the exchange of the south half of Lot Number 22, in the fifth Concession of Bastard, with the Crown, for an equivalent in other Land. The Bursar was instructed to reply to the Letter of the Commissioner of Crown Lands, in terms of a draft of Letter delivered to him.

The Reverend Doctor McCaul, President, read a Statement in a case of Discipline referred by the Hebdomadal Board to the Council, for their assent to the decision of the Board.

Whereupon it was moved by Professor W. Beaumont, seconded by Professor W. C. Gwynne, that, taking into consideration, that the occasional Students, in Medicine have hitherto purchased unconditionally, the privilege of attending certain courses of Lectures by the individul permission of the respective Professors delivering such Lectures, it appears inexpedient, and perhaps illegal, to attempt now to impose on such students any restrictions as to their conduct without the walls of the University ; and that in future, those who may become occasional Students, shall be made aware of any *intra mural* regulations, affecting them ; to which regulations they shall be required to subscribe their names at the time of taking out their respective tickets. Which motion was ordered to lie on the Table.

Moved by Professor Beaumont, seconded by Professor Gwynne, that the Statutes of the University be printed forthwith ; and that two copies be furnished to each Professor and also to the Principal of Upper Canada College.

February 24th., 1849. Moved by Mr. F. W. Barron the Principal of Upper Canada College, seconded by the Reverend Doctor Beaven, the Dean, that Professor W. C. Gwynne and Professor W. Beaumont be a Committee to superintend the printing of the Statutes of the University.

Read the following Letter from the Private Secretary, of the Governor General, as Chancellor, dated the 16th. Instant, requiring papers relative to the Commission of Enquiry, in compliance with an Address of the Legislative Assembly.

I am commanded by the Chancellor to request you to lay before the President and Council of King's College the accompanying copy of an Address of the Legislative Assembly, praying for papers relative to the Commission which has been appointed to investigate the affairs of the University and that you will, at the same time, intimate that it is His Excellency's desire to be furnished with the papers enumerated in this address for the purpose of their being presented to the House ; to which His Excellency presumes there will be no objection on the part of the President and Council of King's College.

T. E. CAMPBELL, Major, Secretary.

MONTREAL, 16th February, 1849.

(Enclosure : Address from the Legislative Assembly, dated, 13th February, 1849, for—)

" A Copy of the Ordinance of the Council of King's College, appointing Commissioners to inquire into the affairs of the said College ; and of the Instructions given to the said Commissioners, as well as of all other Documents having reference thereto. "

Whereupon it was moved by the Reverend Doctor Beaven, Dean, seconded by Professor H. H. Croft, the Proctor, that the desire of the Chancellor of the University, communicated in the foregoing Letter just read, from the Private Secretary, to be furnished with certain papers enumerated in an Address from the Legislative Assembly, be complied with ; and that a copy be sent of the Statute of Council appointing the Commission ; and, that the Bursar, in sending the same, do acquaint the Private Secretary, for the information of the Chancellor, that no separate instructions were given to the Commissioners ; and that there are no other Documents having reference thereto, unless the Minutes of the proceedings of the Council on the subject should be regarded as such. (*Carried*) *

The Bursar submitted Returns prepared by him, as required by the Governor-General, in accordance with the Minute of the last Meeting of the Council ; and he was directed to send them, when complete, with a the following Letter :—

I have the honour to enclose, herewith, certain Returns prepared conformably to the request communicated in your Letter of the 5th instant. As the object of the Council is to afford the fullest information, I have, at their direction, given both the Receipts and the Expenditure of the Establishment for the period named. I have confined myself to King's College, as I understand the Returns for Upper Canada College have been called for, from the Principal of that Institution.

TORONTO, 24th of February, 1849. H. BOYS, Bursar.

(NOTE. No copy of these Returns of the Bursar was entered on the Minutes of the Council)

The Reverend Doctor McCaul, President laid the following Paper before the Council, in regard to the Professors of the University and certain other information prepared by him for the information of His Excellency the Governor General, as required by the Provincial Secretary's Letter of the 5th February, 1849 :—

By the original Charter of King's College of 1827, the President and Members of Council of King's College were required to be Members of the Church of England and Ireland.† But the amended Charter of 1837 says :—

" That it shall not be necessary that any Member of the College Council, to be so appointed, or that any Member of the said College Council, or any Professor, to be, at any time, appointed shall be a Member of the Church of England, or subscribe to any Articles of Religion, other than a Declaration that they believe in the authenticity and Divine Inspiration of the Old and New Testaments,and in the doctrine of the Trinity :

And further, that no Religious Test, or qualification, be required, or appointed, for any Person admitted, or matriculated, as scholars within the said College, or of Persons admitted to any Degree, or Faculty therein." ‡

At present, the only Chair of Divinity in the University is filled by a Clergyman of the Church of England, and Divine Service is performed, according to the Rites of that Church ; but no Religious Test, or qualification, is required for admission for Degrees, or for the filling of any Chair in the University. The only test is the Declaration mentioned in the amended Charter, which is subscribed by Members of Council.

(NOTE. The foregoing information was sent to the Chancellor.)

February 28th, 1849. Moved by Professor W. C. Gwynne, Seconded by Professor W. Beaumont ;

As it appears, that sums of money have occasionally been given to various persons out of the Funds of the University, without the knowledge and consent of the Council, it is resolved, that this Council does not recognize the power of any individual Member of its Body to authorize any payments whatever to be made out of the Funds of the University, unless sanctioned by University Statute, or by a Resolution, formally proposed and adopted by the Council ; and, consequently, that the Council holds the Bursar responsible for all payments, which shall be made without the warrant of such authority. (*Deferred*).

The Reverend Doctor McCaul, President, submitted Draft of an Order of Proceedings for the guidance of the Council in its business at its future Meetings. (*Deferred*).

The Bursar submitted his three unual monthly Financial Statements.

*A copy of the Statute appointing the Commissioners to inquire into the affairs of King's College is printed on pages 236, 237 of the Seventh Volume of this Documentary History.

†For Copy of this Charter, see pages 222-225 of the First Volume of this Documentary History.

‡This amended Charter is printed on pages 88-89 of the Third Volume of this History.

NOTE. An elaborate Report was submitted to the Council by a Committee, appointed on the 20th of January of this year, (See page 188,) to report on the residence of one or more Professors and Students in the new University Buildings, and on other special matters. The Report deals chiefly with local and personal details, and certain arrangements made between Doctors Beaven and McCaul, in regard to the occupation of the University Building. The Report, not being now of public interest, I have omitted it here. (The Council Minutes record that it was entered in the Council Letter Book ("C. L. B.,") Volume II, page 251, and that a copy of it was sent to the Chancellor.)

The motion of Prefessor Gwynne, relating to the unauthorized payment of moneys, submitted at the last Meeting, was discussed, and being put, Professor J. King proposed in amendment, seconded by Mr. F. W. Barron, Principal of Upper Canada College, that, as the terms of the preamble of the proposed Resolution might imply imputations, which do not appear to have been intended by those who introduced it, and, as there are many charges on the funds of the University, including regular annual expenses, which are not provided for by Statute, or Resolution, formally proposed and adopted : and, as it seems necessary for conducting the business of the Establishment of the University and Upper Canada College, that individuals should, under certain Regulations, have the power of directing payments to be made by the Bursar ; that the preamble of the proposed Resolution be struck out, and after the word "Resolved", the following be inserted :—

That it is expedient, that a Committee, consisting of the President, Professors Gwynne and Croft, and the Principal of Upper Canada College, should be appointed to draft Regulations relative to the expenses of the University and Upper Canada College, which are not sanctioned by Statute, or by a Resolution, formally proposed and adopted ; and, that, after the adoption of these Regulations, the Council will hold the Bursar responsible for all payments which shall be made without the warrant of the authority of the Regulations. Which amendment being put was carried ; Yeas 5 ; Nays 3.

March 28th, 1849. The Members present were not sufficient to constitute a Quorum : The Bursar laid on the Table his three usual monthly financial Statements.

March 31st, 1849. Moved by Professor J. King, seconded by Mr. F. W. Barron, Principal of Upper Canada College, that it be resolved, that, in the interval, between the present time and the adoption of the Report of the Committee, appointed by resolution of Council at its meeting of the 23rd instant, the issue of money by the Bursar, shall be, as it hitherto has been, for the University, on the authority of the President, either alone, or in conjunction with one of the Professors, and for Upper Canada College, on the authority of the Principal of that Institution. But, for any new expenses, which shall be incurred, after this date, until the adoption of the Report of the Committee, the individual ordering those items of expenditure shall be responsible. (*Carried.*)

Moved by the President, Seconded by the Principal of Upper Canada College, that the recommendation of the Committee be adopted, that the residence of Students in the new Buildings be continued upon the plan hitherto pursued, until the end of the month of July, next ; with the understanding, that the same strict attention, which has been given to the reduction of Expenses, since the commencement of the present year, be continued, much greater regard having been paid to economy than in the previous years. (*Carried.*) (See "NOTE" above.)

Moved by the President, seconded by the Dean, that a sum, amounting to the average of the sums expended for the last five years on the College Grounds, be appropriated for the purpose of keeping them in order for the present year, and that the Superintendent of these Grounds, be authorized to expend the same. (*Carried.*)

Read a Letter from the Reverend Walter Stennett, expressing his wish to resign the charge, which he, at present has, of the Upper Canada College Boarding House, at the expiration of six months ; and prays for some relief in the pecuniary difficulties, in which the attempt to carry on that Establishment, has placed him. Whereupon, it was moved by the President, seconded by Professor King, that, taking into consideration the circumstances, detailed in the Memorial of the Reverend Mr. Stennett, the Council will place the sum of Seventy-Five pounds to his credit, on account of his salary, to enable him to carry on the establishment of the Upper Canada College Boarding House, during the remainder of the present six months, but will not sanction the repayment of the expenses, incurred. (*Carried.*)

April 10th, 1849. The President stated that he had summoned the Council for the purpose of submitting for the consideration of the Members, the University Bill, lately introduced

into the Legislative Assembly by the Honourable Attorney General Baldwin. The preamble of the Bill, was discussed, but the Council were unable to proceed, in consequence of the want of a quorum.

April 13th, 1849. The Council resumed the discussion of the Baldwin University Bill, lately introduced to the Legislative Assembly, and proceeded as far as Section XVII.

April 16th, 1849. The Council proceeded with the discussion of University Bill.

April 17th, 1849. Before consenting to enter on the formal discussion of the amendments, proposed to the University Bill, the Dean, (Doctor Beaven,) obtained the permission of the Council to enter on the Minutes, at a future period, his opinions relative to the Bill generally.

The discussion of the University Bill was resumed, and the Council assented unanimously to the amendments reported to them, as having been suggested at the meeting of Professors, except as to the equalization of the influence of the Faculties in Convocation.

Moved by Professor Croft, seconded by the Reverend Doctor Beaven, that the President and Doctor Gwynne be appointed a Committee to draw up a document, embodying the amendments, that have been made in the University Bill, with powers to transmit the same to the Attorney General, without further reference to the Council. (*Carried*)

Moved by Professor Croft, seconded by the Dean, that the above Committee be empowered to suggest to the Attorney General, the propriety of separating the Upper Canada College Bill, from that of the University. (*Carried*)

April 19th, 1849. In compliance with a Minute, adopted at the last Meeting, a Document was drawn up, by the President and Professor Gwynne, and was transmitted by them, to the Attorney General.

Moved by Professor Croft, seconded by Professor Beaumont, that Professors Gwynne and Beaumont be a Committee to draft the Petition to the House of Assembly ; on the University Bill, and that they report to the Council at the next meeting. (*Carried*)

April 24th, 1849. Professor Gwynne, on the part of the Committee, presented the Draft of the Petition to the House of Assembly relative to the University Bill.

3. Conformably to the Minute of the Meeting on the 17th. instant, the Reverend Doctor Beaven, Dean, presented the following Explanation and Protest, relative to the part he had taken in the discussion of the University Bill :—

EXPLANATION AND PROTEST OF THE REVEREND JAMES BEAVEN, DOCTOR OF DIVINITY, PROFESSOR OF DIVINITY, ETCETERA.

In taking part in the discussions and divisions upon the University Bill I desire to be understood, not as assenting to the principles of the Measure, but simply as not thinking it my duty to refuse to assist, with the other Members of the Council in improving its details.

From the Bill, as a whole, I entirely dissent, on the following grounds :—

1. Because some of its provisions appear to me irreligious, and anti-Christian.

2. Because it appears intended to place the Church of England in Canada, in a less favourable position than some other Christian Communities, in regard to the power of granting Degrees.

3. Because it makes no provision for the continuance of the Faculty of Theology, and of the Office of the Present Professor ; nor for conferring Degrees upon those who have studied in that Faculty.

4. Because it makes no provision for the maintenance of a College of the Church of England.

5. Because the provisions of Section XXIX are inconsistent with the preamble.*

6. Because it sets a new example of the repeal by the Legislature of the provisions of a Royal Charter, without the consent of the Sovereign, and of those to whom it was granted.†

Proposed by Professor Beaumont, seconded by the Dean, (Doctor Beaven,) that the Bursar shall not receive any sum, or sums, of money from Students, without their stating, at the time, the purpose for which such sum, or sums, may be paid ; and such sums shall not be appropriated to any other purpose than that stated by the Student. (*Carried*)

April 25th, 1849.—The Bursar placed on the Table, his three usual Monthly Financial Returns. Only Number One,—the most important of them,—is inserted, as follows ;

* A copy of this Section will be found on page 155 of this Volume.

† This question, as discussed, is referred to in a note on page 124.

Monthly Return of the invested property of the University of King's College, between March 28th, and April 25th, 1849.

Particulars of Assets.	Amount on March 28th, 1849.			Amount on April 25th, 1849.		
Negotiable Securities.	£	s.	d.	£	s.	d.
Public Debentures	28,470	0	8	28,650	0	8
Stock of the Bank of Upper Canada	250	0	0	250	0	0
Stock of the Gore Bank	187	10	0	187	10	0
	£ 28,907	10	8	29,087	10	8
Lands in Fee Simple.						
Assigned by Messieurs Ridout (value)	540	14	0	540	14	0
Brantford Property (value)	4,227	14	0	4,227	14	0
Ashfield Property (value)	780	0	0	780	0	0
Assigned by Mr. Barber, (value)	1,150	0	0	1,150	0	0
Bay Street Property (value)	2,300	0	0	2,300	0	0
Garrison Common (value)	2,362	10	0	2,362	10	0
Elora Property (value)	525	0	0	525	0	0
Peterborough Property (value)	235	0	0	235	0	0
Port Albert Property (value)	35	0	0	35	0	0
Hamilton Property (value)	7,970	16	8	7,970	16	8
	£ 20,126	14	8	20,126	14	8
Bond, or Mortgage, Securities.						
Colonel Wells	1,669	15	8½	1,669	15	8½
J. G. Ridout	875	0	0	875	0	0
John Radenhurst	875	0	0	875	0	0
Cathedral of St. James	3,500	17	0	3,500	17	0
George Ridout	3,064	8	3	3,064	8	3
John Ritchie	1,000	0	0	1,000	0	0
James Good	1,000	0	0	1,000	0	0
James Hunter	200	0	0	200	0	0
John Cochrane	143	8	8	143	8	8
Mr. Sheriff Jarvis	750	0	0	750	0	0
Henry Rowsell	500	0	0	500	0	0
	£ 13,578	9	7½	13,578	9	7½

RECAPITULATION.

	£	s.	d.	£	s.	d
Negotiable Securities	28,907	10	8	29,087	10	8
Lands in Fee Simple	20,126	14	8	20,126	14	8
Bond or Mortgage Securities	13,578	9	7½	13,578	9	7½
Total assets	£ 62,612	14	11½	62,792	14	11½
Add interest accrued on Debentures				591	11	0
Deduct, Bank overdraft				389	10	1
Add Cash in Bursar's hands				256	2	0
Transactions in Government Debentures on Short Periods.						
Remaining on March 28th, 1849	3,450	0	0			
Invested within the Month	180	0	0	3,630	0	0

Moved by Professor Croft and seconded by Professor Gwynne, that the Petition to the House of Assembly, presented by the Committee at the last Meeting of Council, be adopted.

Which motion being put, was carried—Yeas 3 ; Nays 2.

The President requested leave to record his dissent from the Petition, at the next Meeting.

5. Moved by Professor Gwynne, seconded by Professor Croft, and resolved, that Professors Croft and Beaumont be a Committee, to superintend the official transmission of the Petition, now adopted, to the two Branches of the Legislature, without delay. (*Carried*)

May 9th, 1849. The Bursar placed on the Table his Financial Returns of the University for the year 1848—twelve in number. (NOTE. These Financial Returns were not entered on the Minutes, nor are they otherwise available, so they are not inserted here).

THE REVEREND DOCTOR MCCAUL'S DISSENT FROM THE PETITION OF THE COUNCIL IN REGARD TO THE BALDWIN UNIVERSITY BILL OF 1849.

In compliance with permission granted at the last Meeting, the President recorded his dissent from the Petition on the University Bill on the Minutes, as follows :—

The President feels it to be his duty to record the grounds of his dissent from the adoption of the Petition, and the transmission of it to the Legislature, as conveying the opinion of the Council. His objections to the adoption of this Petition are as follows :—

1 That the appropriation of Land originally made by His Majesty, George III, for the instruction of youth in Upper Canada, was intended to assist and encourage the exertions of the Province, in laying the foundation for promoting sound learning and a Religious Education, as appears from the Despatch of His Grace, the Duke of Portland, dated November 4th, 1797.*

2. That in the preamble of the Charter of Kings College granted in 1827 by His Majesty, George IV, one of the objects of the Establishment of the Institution is stated to have been "the Education of youth in the Principles of the Christian Religion."†

3. That, in that Charter a distinctive religious character, in conformity with the principles of the United Church of England and Ireland, was given to that Institution by the provisions, that the Bishop of the Diocese, should be *ex officio*, Visitor, that the Archdeacon of York should be *ex officio* President ; and that all the Members of the Council, (except the Chancellor,) and all Graduates in Divinity, should subscribe to the Thirty-nine Articles of the Church of England.

4. That all the Despatches, relative to the alterations in the Charter, which have been communicated to the Public, and the Debates in the British House of Commons on the same subject, recognise the expediency of retaining the Study of Theology, however the University might be altered in other respects.

5. That, in any action, taken by the Council, before 1837, relative to alterations in the Charter, they were chiefly influenced by the desire of the Sovereign, that they should surrender the Charter‡ and by His Majesty's invitation to the Members of the Provincial Legislature, to give expression to their wishes on the subject ; and that any changes, which have been proposed by them since that time. have been rendered necessary, mainly by the injurious operation of the Act passed in that year,§ but that the Council have never consented to surrender the Royal Charter of the Institution, nor to accept in exchange for it, a Provincial Statute.

6. That the Report of March 24th, 1846,‖ was prepared in consequence of the desire expressed by His Excellency the Earl of Cathcart, to learn the opinions of the Council, and, that the Amendments therein suggested, were prepared with a view to being embodied in a new Charter, to be issued by the Crown.

7. That the words in the Report of May 28th, 1845, which are quoted in the Petition, mark, and are intended to mark, the opinion of the Council, that the necessary alterations in the Charter should be made by Royal Authority ; the only impediment to the exercise of which, was the Charter Amendment Act of 1837, which could be renewed, but by the action of the Legislature.¶

* This Despatch will be found on page 17 of the First Volume of this Documentary History.

† A copy of the Charter, here referred to, is printed on pages 221-255 of the First Volume. of this History.

‡ The Proceedings of King's College Council regard to the surrender of the Charter will be found on 31-37 of the Third Volume of this History.

§ For a copy of that Act of 1837, see pages 88, 89 of the same Volume.

‖ For the Report and Correspondence here referred to, see pages 81-92 of the Sixth Volume of this History.

¶ For reference to this Report see pages 200,205, 206, 211 and 212 of the Fifth, and page 44 of the Sixth, Volume of this History. The Report is also referred to on page 38 of this Volume.

8. That although the Establishment of a Theological College [at Cobourg], by the Bishop of the Diocese, has certainly afforded ground for the suspicion, that His Lordship was not satisfied, with that connected with the University, and was, it must be admitted, calculated to check the prosperity of the Faculty of Divinity, and to injure the reputation of the University, yet there is reason to believe, that, that College (at Cobourg) was established, principally in consequence of the Bishop's apprehension, as to the permanence of the Faculty of Divinity, in connection with King's College.

9. That, however objectionable the Measures may have been, which have been hitherto proposed, relative to the University, there is no necessity for adopting the course suggested in the present Bill, namely : the removal of all Religious characteristics from the Institution, and the disqualification of the Ministers of Religion for holding certain Offices and Places in it.--a course which is so far from "maintaining the just rights and privileges of all Denominations, without offence to the Religious opinions of any," that it offends the Religious opinions of all, without maintainng the just rights, or privileges, of any ; and the practical operation of which, will not only, not foster the prosperity of one great Provincial seat of learning, but will tend to the establishment of Denominational Universities.

10. That Religious characteristics can be preserved, and the Endowment retained unbroken, so as to obtain the confidence of the Community, and secure the efficiency of the Institution, by enacting, that the University shall require, from all candidates for Matriculation, Degrees, etcetera, Certificates of possessing the Religious qualifications, deemed requisite, by the constituted authorities of the Church, or Denomination, to which each Candidate belongs ; leaving the duty of those Churches, or Denominations, of providing for the attainment of the Religious knowledge and the discharge of the Religious duties, which they regard as essential for their Members, and also for the maintenance of Theological Colleges, empowered to confer degrees in Divinity.

The President stated his objections to the transmission of the Petition, as conveying the opinion of the Council to be :—

1. That the number of those who voted in favour of it was only three, which is but the one-fourth part of the number of the Members of King's College Council.

2. That the seven Members of the Council, who are permanently in Town, one : (the Professor of Medicine,) was absent in consequence of illness.

3. That another Member, the Principal of Upper Canada College, declined voting on the subject ; and that, consequently, the Petition having been opposed by two of the five Members then present, conveys the opinion only of the majority of 3, -a mere quorum of the Council.

Moved by Doctor McCaul, the President, seconded by Doctor Beaven, the Dean, That the Bursar be requested to lay before the Council, as soon as he conveniently can, the amount, which can be applied to the Library of the proportion of the fees appropriated to it. (*Carried.*)

A Petition from Mr. Hirschfelder, dated this day, was read, praying the Council to recommend him to His Excellency the Chancellor, for the Professorship of Hebrew and Oriental languages, provided for by the Statute of the University. It was directed that Mr. Hirschfelder, to be informed, that the Council, have never recommended to His Excellency, the Chancellor, any Candidate for a Professorship ; and, that, at present, when many changes in the Constitution of the University and the circumstances of the Professors are contemplated, it appears to them, unavoidable to suggest any appointment.

The Letter of Mr. Michael Barrett, submitted at a former Meeting of the Council, applying for the Resident Mastership of the Upper Canada Boarding House, was taken into consideration. . . . It having been suggested in discussion on the subject that the Principal should report on the application of Mr. Barrett, he submitted a paper, which he had prepared, containing his opinions on the management of the Boarding House. *Deferred.*

(NOTE. This Paper was not entered on the Minutes.

May 14th, 1849. The Members present were not sufficient to constitute a quorum.

May 16th, 1849. The Members present were not sufficient to constitute a quorum.

May 30th, 1849. The Bursar submitted his usual three monthly Financial Statements of the University. Read the following Letter from Major Campbell, Private Secretary to His Excellency, the Chancellor of the University, transmitting the Draft of a Statute to be submitted to the College Council. The Letter and proposed Statute are as follows :—

I am commanded by His Excellency the Chancellor to transmit to you the accompanying Draft of a Statute to be submitted to the College Council, according to the terms of the Charter.

MONTREAL, 24th of May, 1849.

T. E. CAMPBELL, Major, Secretary.

By the College Council of the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada.

Elgin and Kincardine.

WHEREAS the Reverend Doctor McCaul was appointed President of this University on the resignation of that office by the Right Reverend Doctor Strachan, the late President thereof, he having, during a great part of the incumbency of the late President, performed the duties prescribed for the Vice-President with a certain salary, fees and allowances, as a Professor. and,

WHEREAS it is expedient to continue to the said Doctor McCaul, as President, the same amount of remuneration as was enjoyed by him, as Vice-President, until such time as all the Statutes respecting the salaries of Professors can be taken up and reconsidered,

Be it therefore enacted and ordained by the Council of King's College,

1. That, during the continuance of this Statute, and the incumbency of the said Doctor McCaul, the remuneration attached to the office of President of this University shall be the same as has been actually enjoyed by the said Doctor McCaul, when performing the duties prescribed for the Vice Presidency, and that such remuneration shall be allowed to him from the expiration of the University Statute of last year, by which the same was provided for.

2. That this Statute shall be and remain in force till the end of next Session of the Provincial Parliament, unless sooner repealed, or abrogated by authority of Parliament, or otherwise, and no longer.—Consideration deferred.

Moved by the President seconded by the Dean, that the sum of Fifty pounds (£50,) be allowed to each of the Lecturers in Clinical Medicine and Surgery, for their services during the past Medical Term. *(Carried)*

The Letter of Mr. Samuel Phillips in behalf of his Mother and Sisters, read in Council on March 31st, and its consideration and then deferred, was now taken into consideration. After considerable discussion, it was moved by the President, seconded by the Principal of Upper Canada College, that, although the Council cannot accede to the desire of Mr. Phillips, that a yearly pension may be granted to his Mother and Sisters, yet, in consideration of the long and faithful services rendered by his late Father, the Reverend Doctor Phillips, as Principal of Upper Canada College, they willingly assent to his request, that the half year's salary, due in July, shall be paid to them.

June 1st, 1849. The Members present, were not sufficient to constitute a Quorum.

June 5th, 1849. The Members present were not sufficient to constitute a Quorum.

June 11th, 1849. The Members present were not sufficient to constitute a Quorum.

June 14th, 1849. The Statute, in regard to the salary of the President, proposed by His Excellency, the Chancellor, and introduced and discussed at the last Meeting, having been read, was put by clauses and passed. (The Statute was sent to the Visitors on the 15th of June, 1849)

A Letter was read, from the Reverend Walter Stennett, dated the 1st instant, relative to the Upper Canada College Boarding House. When it was moved by the Principal of Upper Canada College, seconded by Doctor Beaven, the Dean, that Mr. Stennett's application "to be relieved from the charge of the Boarding House," as he proposes, and "to have the articles which he has purchased for the conducting of the Boarding House", taken off his hands, be complied with; and that the said articles be sold by the Council to the parties who may hereafter be in charge of the Boarding House. *(Carried)*

June 27th, 1849. The Members present were not sufficient to constitute a Quorum.

The Bursar placed on the Table, his three usual Monthly Financial Returns.

July 25th, 1849. The Members present were not sufficient to constitute a Quorum.

The Bursar placed on the Table, his three usual Monthly Financial Returns. Number One, being the most important, is inserted, as follows :

Monthly Return of the invested Property of the University of King's College, between June the 27th and July the 25th, 1849.

Particulars of Assets.	Amount on June 27th, 1849.			Amount on July 25th, 1849.		
Negotiable Securities.	£	s.	d.	£	s.	d.
Public Debentures	29,215	0	8	29,215	0	8
Stock of the Bank of Upper Canada	250	.....	.....	250	.....	.....
Stock of Gore Bank	187	10	.....	187	10	.....
	29,652	10	8	29,652	10	8
Lands in Fee Simple; their Estimated Value.						
Assigned by Messieurs Ridout	540	14	.....	540	14	.....
Brantford Property	4,227	14	.....	4,227	14	.....
Ashfield Property	780	.....	.....	780	.....	.....
Assigned by Mr. Barber	1,150	.....	.....	1,150	.....	.....
Bay Street Property	2,300	.....	.....	2,300	.....	.....
Garrison Common	2,362	10	.....	2,362	10	.....
Elora Property	525	.....	.....	525	.....	.....
Peterborough Property	235	.....	.....	235	.....	.....
Port Albert Property	35	.....	.....	35	.....	.....
Hamilton Property	7,970	16	8	7,970	16	8
	20,126	14	8	20,126	14	8
Securities in Bond, or Mortgage.						
Colonel Wells	1,669	15	8½	1,669	15	8½
J. G. Ridout	875	.....	.....	875	.....	.....
John Radenhurst	875	.....	.....	875	.....	.....
Cathedral of St. James	.....	17	.....	.....	.....	.....
George Ridout	3,064	8	3	3,064	8	3
John Ritchie	1,000	.....	.....	1,000	.....	.....
James Good	1,000	.....	.....	1,000	.....	.....
James Hunter	200	.....	.....	200	.....	.....
John Cochrane	143	8	8	143	8	8
Mr. Sheriff Jarvis	750	.....	.....	750	.....	.....
Henry Rowsell	500	.....	.....	500	.....	.....
	10,078	9	7½	10,077	12	7½
Recapitulation.						
Negotiable Securities	29,652	10	8	29,652	10	8
Land in Fee Simple	20,126	14	8	20,126	14	8
Securities in Bond, or Mortgage	10,078	9	7½	10,077	12	7½
	59,857	14	11½	59,856	17	11½
Transactions in small Government Debentures.						
Remaining on June 27th, 1849	3,720	.....	.....	.....	.....	.....
Transactions within the month	.....	.....	.....	.....	.....	.....
Remaining on July 25th, 1849	3,720	.....	.....	.....	.....	.....
Add, Interest accrued in Debentures	.....	.....	.....	1,204	2	11
Add, Balance in Bank of Upper Canada	.....	.....	.....	2,623	11	6½
Add, Balance in Bursar's hands	.....	.....	.....	444	.....	.....

August 29th, 1849. The Members present were not sufficient to constitute a Quorum.

The Bursar laid on the Table his three usual Monthly Financial Statements of the College.

September 26th, 1849. Moved by Doctor Beaven, the Dean, seconded by Professor Croft, the Proctor, that a Committee consisting of the President and such Members of the Council, as are Members of the Faculty of Medicine, be appointed to draft a set of Regulations applicable to the occasional Students in that Faculty. (*Carried*)

The Bursar laid on the Table his three usual Monthly Financial Statements of the College.

The Principal of Upper Canada College reported, that he found it necessary, to make temporary provision for the discharge of the duties of the Second English Master in that Institution.

October 3rd, 1849. The Members present were not sufficient to constitute a Quorum.

October 6th, 1849. Only one Member present, so there was no Quorum.

October 22nd, 1849. The President stated, that he had received from His Excellency the Chancellor, a notice of his intention of being present in Convocation, at the Commencement, on Thursday next. Whereupon, it was moved by the Dean, seconded by the Proctor; that in expectation of the Visit of the Chancellor of the University, at the ensuing commencement, the President be requested to provide suitable robes for His Excellency. (*Carried*)

Moved by Professor Gwynne, seconded by Professor Croft, Resolved that the Chancellor of the University, upon the occasion of his presence at the Commencement, be entertained at Dinner; the expense of which shall be borne by the University. (*Carried.*)

Moved by Professor Gwynne, seconded by Professor Beaumont, and resolved, that Professors Croft, King and Gwynne be a Committee to carry the foregoing resolution into effect

October 23rd, 1849. The Principal announced with much pain, that the death, on October 9th, of Mr. Samuel Alderdyce, who had been the Servant of the College since its first opening in 1843; and also, that the death on October the 22nd, of the Reverend W. H. Ripley, Bachelor of Arts, Second Classical Master in Upper Canada College.

The Principal of the College nominated David Alderdyce, the Son, to the situation, held by his late father, as Porter. The nomination was confirmed by the approval of the Council.

Moved by the Dean, seconded by Professor King, that the President be requested to communicate to Mrs. Ripley, the deep sympathy of the Council in the bereavement which she has lately sustained; and that the Council desire hereby to record their sense of the efficient and valuable services, which have been so faithfully rendered by the late Mr. Ripley, during the period of his connection with Upper Canada College.

October 27th, 1849. No business was transacted at this Meeting. It met *pro forma*, as an adjourned Meeting.

October 29th, 1849.—The President laid on the Table, the following Communication from the Honourable Malcolm Cameron, Assistant Commissioner of Public Works.

I have the honour to inform you, that the Government require the Premises now occupied by you, for University purpose, at as early a day as it is possible for you to get your furniture removed.

TORONTO, 29th of October, 1849. MALCOLM CAMERON.

Whereupon it was moved by the President, seconded by Professor Croft the Proctor, that the business of the University shall be conducted on the Grounds, and in the Buildings belonging thereto. (*Carried*)

Moved by the President seconded by the Proctor, that notice be given to the Reverend Doctor Beaven, the Dean, that the new Building will be required for conducting the business of the University; and that it will, therefore, be necessary for him to remove with the least delay. (*Carried*)

October 31st, 1849. No business of any public importance was transacted at this Meeting of the Council.

November 3rd, 1849.—Read a Letter from Professor Sullivan, who was in ill health, nominating Mr. James H. Richardson, Bachelor of Medicine, as his Deputy, during his illness, to lecture and teach Practical Anatomy; and praying the approval of the Council. Mr. Sullivan's nomination of Dr. Richardson was confirmed.

November 6th, 1849. Read the following letter from the Honourable James E. Small:—

I have the honour to acquaint you, for the information of the Chancellor, and Council of King's College, that as I have accepted the situation of Judge of the Court of the London District, I can no longer discharge the duties of Solicitor to the University of King's College.

Toronto, 3rd of November, 1849. JAMES E. SMALL.

Whereupon the Council took into consideration the expediency of filling the vacancy, caused by the resignation of the Solicitor. The proceedings on this subject, terminated in the election of Stuffington Connor, Doctor of Laws.—The votes being, yeas five, nays three.

The President requested the opinion of the Council, relative to the future accommodation of the Commission of Inquiry into the affairs of the University, and suggesting the possibility of renting the late Mr. Justice Hagerman's Office for the purpose.

November 17th, 1849. The Principal of Upper Canada College communicated the following Letter which had received from the Military Secretary of the Governor General

With reference to your letter of the 26th ultimo, to the Governor General, I am directed to inform you, that His Excellency is pleased to nominate the Reverend W. Stennett, Master of Arts, for promotion to the Mastership in Upper Canada College, vacant by the death of the Reverend W. H. Ripley, and Mr. W. Wedd, to the Third Classical Mastership.

DRUMMONDVILLE, 10th of November, 1849. R. BRUCE, Military Secretary.

Whereupon, it was proposed by the Principal, seconded by Professor Gwynne, that the nomination of the Chancellor of the Reverend Walter Stennett, Master of Arts, to the Second Classical Mastership, and Mr. W. Wedd, Master of Arts, to the Third Classical Mastership in Upper Canada College, be confirmed. (*Carried*)

Moved by Professor Beaumont, seconded by Professor Gwynne, that a Committee be appointed consisting of the President, the Principal of Upper Canada College and Professor Beaumont, to receive and examine the accounts of the late Solicitor to the University ; and that the Bursar be instructed to request Mr. Small, to deliver, at his earliest convenience, to Doctor Connor, all papers and business of the University and Upper Canada College, now in his hands. (*Carried*)

Read a Letter from Mr. George Wells, requesting, that if his Father paid to the Council £1,000, the whole of that sum might be applied to the diminution of the Principal of his Father's debt to the University, and not to the total liability. The Council assented to the proposition of Colonel Wells, on condition that the Interest at present due, be regarded as Principal bearing Interest, and be secured as such.

November 28th, 1849. The Bursar placed on the Table, his three usual Monthly Financial Returns of the University for the two last months. (Not inserted.)

December 5th, 1849. The Council met *pro-forma*, but transacted no business.

December 12nd, 1849. Read a Letter from Professor Sullivan requesting the Council would approve of Doctor Bovell, as his Deputy to discharge the duties of Curator of the Anatomical Museum. Sanctioned.

December 26th, 1849. Read a Letter from Professor O'Brien. The Council were of opinion, that they had no authority to assign a salary for any office created by Statute ; or to remunerate duties discharged under Statute, unless a Statute for that purpose were first proposed by His Excellency the Chancellor, and sanctioned by the Council.

7. Moved by Professor Gwynne, seconded by the Principal of Upper Canada College ; Resolved, that the Bursar be directed to invest any unappropriated Funds, he may now, or hereafter, have at his disposal for such purpose, in Government Debentures, the same to be purchased at a price not exceeding the current market price. (*Carried*)

The Bursar submitted his usual three Monthly Financial Statements of the University. Number One, being the most important, is inserted as follows :—

Monthly Return of the Invested Property of the University of King's College, between November 28th and, December 26 1849.

Particulars of Assets.	Amount on November 8th, 1849.			Amount on December 26, 1849.		
Negotiable Securities.	£	s.	d.	£	s.	d.
Public Debentures	27,695	0	8	28,930	0	8
Stock of the Bank of Upper Canada	250	....	....	250	....	....
Stock of the Gore Bank	187	10	....	187	10	....
	28,132	10	8	29,367	10	8

Monthly Return of the Invested Property of the University of King's College.—*Continued.*

Particulars of Assets.	Amount on November 8th, 1849.			Amount on December 26, 1849.		
Lands in Fee Simple, at an estimated valuation.	£	s.	d.	£	s.	d.
Assigned by Messieurs Ridout	540	14	....	540	14	....
Brantford Property	4,227	14	....	4,227	14	....
Ashfield Property	780	....	....	780	....	....
Assigned by Mr. Barber	1,150	....	....	1,150	....	....
Bay Street Property	2,244	4	10	2,244	4	10
Garrison Common	2,362	10	....	2,362	10	....
Elora Property	525	....	....	525	....	....
Peterborough Property	235	....	....	235	....	....
Port Albert Property	35	....	....	35	....	....
Hamilton Property	7,970	16	8	7,970	16	8
	20,050	19	6	20,050	19	6
Securities on Bond, or Mortgage.						
Colonel Wells	1,669	15	8½	1,669	15	8½
J. G. Ridout	875	....	....	875	....	....
John Radenhurst	875	....	....	875	....	....
George Ridout	3,064	8	3	3,064	8	3
John Ritchie	1,000	....	....	1,000	....	....
James Good	1,000	....	....	1,000	....	....
James Hunter	200	....	....	200	....	....
John Cochrane	143	8	8	143	8	8
Mr. Sheriff Jarvis	750	....	....	750	....	....
Henry Rowsell	500	....	....	500	....	....
	10,077	12	7½	10,077	12	7½
Recapitulation.						
Negotiable Securities	28,132	10	8	29,367	10	8
Lands in Fee Simple	20,050	19	6	20,050	19	6
Securities in Bond, or Mortgage	10,077	12	7½	10,077	12	7½
	58,261	2	9½	59,496	2	9½
Add, Interest accrued on Debentures	.....	....	....	1,118	3	0
Add, Balance in Bank of Upper Canada	.....	....	....	4,608	17	9
Add, Balance in Bursar's hands	.....	....	....	90	0	10½
Transactions in small Government Debentures	.....	....	....	.....	....	....
Remaining on November 28th, 1849	.....	....	....	2,200	....	....
				3,435	0	0
December 18th, Small Government Debentures	1,100	0	0			
December 23rd, Small Government Debentures	30	0	0			
December 25th, Small Government Debentures	95	0	0			
	1,225	0	0			

December 29th, 1849. Moved by the Dean, seconded by Professor Gwynne, that the order of last Meeting relative to the Investment of the present Balance in the Bank, be rescinded. (*Carried*).

Moved by Professor Beaumont, seconded by Professor Gwynne, that all accounts of debts incurred previous to January 1st, 1850, shall, after being found correct, be paid by the Bursar out of the present Balance in the Bank, or such further Balance as may be applicable for the purpose. (*Carried*)

The Bursar was authorized to place the amount of the Cash Balance, at present in the Bank, to the Credit of the Income Fund of the University.

NOTE. I have omitted a large number of items in the foregoing Proceedings of King's College Council,—items, dealing with details of business and temporary matters of no public interest. J. G. H.

CHAPTER XI.

PROCEEDINGS OF THE COMMISSION OF INQUIRY INTO KING'S COLLEGE AFFAIRS.*

The Commission, appointed in 1848 to inquire into the financial and other affairs of King's College, did not complete its labours or make its final Report until 1851-2. I have, therefore, in this Chapter only given the proceedings of the Commissioners during the year 1849. In their final Report, relating to that year, the Commissioners say:—

PERIL IN WHICH THE LAND ENDOWMENT OF THE UNIVERSITY WAS PLACED IN 1847.

In February, 1849, the Commissioners learned, through their Clerks engaged in certain preliminary work of compilation in the King's College Office, that a very large quantity of the Lands of the Endowment had passed into a state of serious peril, as concerned the legal proprietorship, in consequence of the lessees and occupants having been allowed to remain in undisturbed occupation, without payment of rent, or any other acknowledgment of the title of the University, for a period of time nearly sufficient to place them legally "in adverse possession."

The Commissioners regarded this fact as of so much importance as to call for instant attention; and accordingly instituted such inquiry on the matter as appeared to them to be called for.—They instructed one of their Clerks, Mr. T. McKenna, to make such a search into the Books and Records of the University, as might enable them to judge correctly of the actual state of the Lands referred to.

The result of this inquiry was a statement showing an aggregate of 49,088 acres to be in an unsatisfactory, or immediately imperilled, state.†

The Commissioners can give no satisfactory information as to the present position of these Lands. In many cases it is to be apprehended, the legal proceeding have resulted in loss of costs to the University. It is, however, a matter of certainty, that a very large amount of the Revenues of the Institution must, by such long neglect of so large a portion of the Estate, have been totally lost, which, if collected at the time at which it fell due, would have enriched the funds of the Institution, and, perhaps, have prevented the alienation of much of the Endowment by sales.

NOTE. In their Report proper, the Commissioners make no mention of the fact that, on the 31st of July, 1847, a Letter was written to the Solicitor of the College Council, calling his attention to the state of certain Lands of the University Endowment that were likely soon to be in "adverse possession" by tenants, should such lessees be "left alone for full twenty years," without payment of rent, or other acknowledgment, by them of the ownership of the Lands on the part of the College Council. To this Letter the Solicitor replied on the 7th of August, 1847, pointing out what should be done, and "that an action of ejectment should be at once brought, in order to avoid the Statute of Limitations. (See pages 76, 77 of the Seventh Volume of this History.

* Continued from page 50 of this Volume.

† A list of these "imperilled" Lands is given on page 329-338 of the Commissioners' Report (1852).

On the 5th of February, 1848, the Reverend Doctor McCaul, President, reported to the Council, that "he had arranged with the Solicitor of the Council to prevent "adverse possession" of the College Lands from undisturbed occupation beyond twenty years." (See page 230 of the same Volume).

It is singular that, although, making reference to the dates mentioned above, (1847 and 1848,) in the Appendix to their Report, (pages 132, 328, 329 and 338,) the Commissioners do not refer to the action which was taken by the College Council in 1847 and 1848 to prevent the "adverse possession" of the Endowment Lands by the Tenants residing on them. The Report of the Commissioners proceeds:—

MODE OF INVESTIGATION PURSUED BY THE COMMISSION OF INQUIRY.

Whilst the general work of examining the Accounts of King's College was proceeding, and was duly superintended and carefully examined, from time to time, by the Commissioners, or, by one of their number, in frequent visitation and attendance, the examination of the University Records was carried forward by the Commissioners personally, and copious extracts therefrom transcribed into proper Books, with alphabetical references, with a view to the acquirement of all possible information of the past proceedings and transactions of the University Authorities and Officers, so that some definite apprehension of the general administration policy of the Council might be formed.

The whole of the King's College Council Minutes, from 1828 to the end of 1849, and the Correspondence detailed in numerous volumes of Letter-Books, were thus subjected to a careful analysis, which has enabled the Commissioners to take a more comprehensive view of the various subjects requiring their examination and expression of opinion, than they could possibly otherwise have had of them.

DEFECTIVE NATURE OF THE MATERIAL, WITH WHICH THE COMMISSIONERS HAD TO DEAL.

The Commissioners, after bringing forward the work of the Accounts through the several years of the first-period of the inquiry—1828-1839—which extended from the establishment of the University in 1828, to the end of Colonel Wells' Bursarship in 1839, were grieved to find that, in consequence of the defects, and the great confusion of the College Accounts, a complete revision of the entire work must be affected.

NOTE. The Commissioners state, that in January, 1849, the Bursar had put into his hands "certain pocket books—five in number—the entries in which were in the handwriting of Colonel Wells," the former Bursar, which the present Bursar assumed to be "original entries," extending "from January, 1828, to July, 1839 . . ." These entries contained a good deal of financial matter, which, had the Books been discovered earlier, might have been useful to the Commissioners, and might have saved them a large amount of preliminary work.

EXTRAORDINARY CONFUSION OF NAMES AND IN RECORD OF TRANSACTIONS WITH PERSONS.

Numerous Accounts had been opened under wrong names, or names of persons not related to the University otherwise than by the circumstances of appearing in the imperfect records of Cash, or of other transactions in which they were concerned, not as principals, but as agents for the occasion. In some instances the same person had been designated by quite different names; in others, a number of persons had been concluded as having proper claims to appear in distinct accounts, but were ultimately discovered to stand connected with the same account in the interrelation of transference of lots, or parts of lots, from one to another. The payments made by the transferee had been placed to his own credit, instead of being put to the credit of the account of his predecessor, between whom and the former an agreement had, perhaps, been duly entered into, that the arrears due to the College should be against the Land, and be liquidated by the purchaser. Frequently the same lot of land was found to have, in the course of years, passed through several hands; thus multiplying the confusion of accounts and names.

* * * * * * * * * *

It is impossible for the Commissioners to convey any adequate idea of the multitudinous and perplexing causes of embarrassment by which their work has been throughout retarded; and even the Commissioners themselves, though following up every step of their Assistants, and, urging their progress with almost unfeeling exaction, can have a faint conception of the toil and harassing drudgery expended on the eduction and confirmation of the Accounts which they shall be glad to surrender, with no ordinary pleasure of acquittance, to those most deeply interested in the final result.

How Order has, with great labour, been evolved out of Chaos.

The work which has been performed under the Commission, cannot be designated as one of mere inquiry; nor can the Report which the Commissioners shall render of the result of their labours be regarded as consisting merely in the formal summary therein presented. The business transactions of a wealthy corporation, extending over a period of twenty-two years, have been unravelled and brought from a state af unintelligible complexity and confusion into a proper business shape. Five large Ledgers of the Commission, embody the entire Accounts of the University; and every Account in these has been subjected to the most rigid scrutiny which the approved principles of modern practical book-keeping, carried out by well qualified and intelligent Accountants, could suggest.

The calculations and research required for the subordinate books were multitudinous and intricate, and require untiring industry and the closest attention on the part of the Accountants.

The numerous checks to which the whole work has been subjected, primarily as a protection against discrepancies and errors, and subsequently, for the detection of those which, in the ordinary course of Account, were to be expected, have placed the ultimate accuracy of the footings of the Ledgers, beyond all doubt.

King's College Endowment.—Recapitulation of the same in the Districts *

Crown acre Schedule	Commissioner's acre Schedule	Difference		Districts	Acres sold	Acres Leased	Vacant or Indefinite
		Deficiency	Excess				
4,350	4,550	.....	200	Eastern	1,200	3,000	350
3,390	3,390	.....	.....	Ottawa	650	1,510	1,230
1,868	1,869	.....	1	Bathurst	1,169	540	160
13,342	12,922	420	.....	Johnstown	4,373	6,111	2,438
30,628	30,363	465	200	Midland	7,565½	18,613½	4,184
36,729	35,886 6/10	1,172½	330 1/10	Newcastle	19,265 7/10	15,107	1,514
54,053	53,621¼	431¾	.....	Home	42,949½	9,851½	820¼
39,146	38,963	183	.....	Gore	33,024	3,989	1,950
5,137	4,904	233	.....	Niagara	2,706	2,198	.....
34,489	33,738	769	18	London	18,422	14,528	788
2,825	2,825	.....	.....	Western	1,115	1,360	350
225,957	223,031 17/20	3,674¼	749 1/10	Acres.....	132,439 6/10	76,808	13,784¼

* See Statement on pages 42 and 48 of this Volume.

CHAPTER XII.

PROCEEDINGS OF VARIOUS CHURCHES IN REGARD TO UNIVERSITY MATTERS.

I. The Church of England and King's College.
II. The Presbyterian Church (of Scotland) and Queen's College.
III. The (Free) Presbyterian Church of Canada and Knox College.
IV. The Methodist Church of Canada and Victoria College.
V. Proceedings of other Churches on University Matters.

I. THE PROCEEDINGS OF THE CHURCH OF ENGLAND IN REGARD TO KING'S COLLEGE.

The Proceedings of the Church of England in regard to University affairs, are embodied in the Minutes of the King's College Council as printed on pages 187-201 of this Volume, and also in the Petitions of Doctor Strachan, ex President of King's College, and of the Council of King's College, printed on pages 123-127; and 129-132 respectively.

II. THE PRESBYTERIAN CHURCH (OF SCOTLAND) IN CANADA

I. Proceedings of the Trustees in regard to Queen's College, 1848, 1849.

In order to make these educational records complete, I insert herewith a copy of the Minutes of the Board of Queen's College University of 1848, 9,(having had them copied out fully for that purpose, while I was in Kingston). It will be seen from the copies of the three Petitions on behalf of Queen's College which were presented to the Legislature in 1849,—see its "Educational Proceedings" on pages 113, 114, 127-129, 139, 140, that they emanated from three separate and distinct Bodies, representing, not only Queen's College itself, but also the Presbyterian Church to which the College then belonged. These three organizations represented (1), "Queen's College University" itself; (2), the "Trustees of Queen's College," and, (3), the Synod of the Presbyterian Church (of Scotland) in Canada. The following are such of the Educational Proceedings of the Board of Trustees, as deal with matters relating to the College:—

In 1848, a donation of £100 to the funds of Queen's College was sent from Scotland to the Treasurer by the Reverend Doctor Liddell, (a former Principal), Hugh Allan, Esquire, also, in the same year, announced his intention to set apart a certain sum of money for the endowment of a Bursary for a student of Divinity in connection with Queen's College, (and £12 10s., as interest on the amount, were duly received. The other gifts of bursaries during this academical year, besides the above, and the two from Dr. Machar, were, one from the Reverend Mr. Bain of £4.3s. 5d. and one of £15 Sterling from the Edinburgh University Missionary Association, for a student in Divinity.

Principal Machar, having stated that he proposed to visit Scotland during the Summer, and having intimated his willingness to receive any instructions which the Board might think fit to give him before his setting out, the following instructions for his guidance were prepared, and the Chairman was authorized to sign same in the name of the Board :—

You are requested to communicate personally, or by writing, with the influential Members of the General Assembly's Colonial Committee, and to urge on them,—

1. The importance of the Church of Scotland vigorously supporting the Queen's College here. Even, leaving out of view the claim which it has to the continuance of the Committee Grant to the College, founded on an argument which was fully believed by us to be permanent, and which belief formed an important element in our calculations when it was resolved to carry on the operations of the College at a season of peculiar difficulty, there are many reasons why the Church of Scotland should not desert us at this time. Some of these reasons are :—

1. The almost certain prospect of the University question being settled, and that finally, next Session of the Provincial Legislature. It is of the utmost consequence, therefore, that Queen's College should then be in full operation as the Educational Institution of the Presbyterian Church of Canada, in connection with the Church of Scotland, and that it should be in a condition efficiently to assert its claims. If baffled now, all that we have hitherto done will be in vain. All other Institutions of a similar kind will then be pressing their claims with all the influence they can exert here, or derive from connection with Ecclesiastical Bodies in Britain. It is evident, that the cordial co-operation and countenance of the Church of Scotland will be of essential service, in regard to the successful urging of our claims on the Government and Legislature of this Province.

2. The fact that a number of young men, the majority of whom are highly promising, are now actually in course of preparation for the work of the Ministry in our Church. Should their course be arrested, by the withdrawal of the Grant of the Committee to the College for the support of a Professorship of Theology, their prospects would be irrecoverably injured, and their services lost to the Church. It would be a severe disappointment to these young men who have labouring diligently to acquire the requisite attainments, and also to their friends who have been so laudably striving to qualify them for usefulness in the Ministry of the Gospel.

3. The prospect of a considerable increase in the number of students in future. This expectation is founded on the very large increase of the attendance in the Preparatory Department of the College, the large number of superior Schools, both public and private, established and being established throughout the Province, and the increasing desire for a liberal education, and the more secure, and ample provision now made for the support of Ministers of our Church who formerly had to depend almost entirely on the precarious voluntary contributions of the people. It would be very discouraging if now, when such provision is made for the support of our Ministers, the means should be withdrawn for the education of those who might be desirous of devoting themselves to the duties of the Ministry. Besides this, we have the information from various quarters of a number being now actually preparing themselves for attendance at Queen's College at the earliest possible time, some of whom are sons of Ministers of our Synod.

4. The Members of the Committee may be reminded that, in return for the support afforded to the College by the Colonial Committee, all those studying with a view to the Ministry in our Church are exempted from the payment of all Class fees, not only during their Theological Course, but also during the whole of their Literary Course, besides being furnished with their accommodation and board at a very moderate expense.

5. Although Queen's College has not been established on that extensive scale at first contemplated, it is not behind the Institutions of other Churches in this Country, in the efficiency of its instructions, in the number of its students and those under its care preparing for a College education.

II. You are requested to call the attention of the Committee to the importance of providing Bursaries for meritorious students of limited means ; £100 would enable 10 students to attend a Session and secure services which would be of incalculable benefit to the Church."

At a Meeting of the Trustees of Queen's College on the 24th May, a Letter to the Chairman from the Reverend Doctor Liddell, a former Principal, now in Scotland, was read, and the Board after mature consideration resolved,—

"That the Chairman be instructed to write to Doctor Liddell, informing him that the Board regret that they do not feel themselves at liberty, in the present state of the funds of the College to alter the terms of their former Resolution regarding the salary of the Principalship, but that they will have much pleasure as already stated, in raising it to its former amount, if the state of their funds shall permit ; and that, with regard to the other points alluded to in his Letter, they feel it impossible to say more than they have already done. The Chairman was also instructed to request Doctor Liddell to inform the Board, at his earliest opportunity of his final decision on the matter, in order that, in the event of his refusal, the Board may take the proper steps for obtaining the appointment of a suitable person as Principal. The Chairman was further instructed to write to Doctor Machar, (the present Principal), transmitting to him the above Resolution of the Board, and requesting him to communicate with Doctor Liddell on the subject, in order that they may be informed of Doctor Liddell's decision as soon as possible." On 2nd of August thereafter, the Chairman informed the Board that he had received a communication from Doctor Liddell declining the offer made to him of the Principalship.

Mr. Campbell, Teacher of the Preparatory School, laid before the Board a statement in reference to the additional accommodation required for the increasing number of scholars. A Committee was appointed to consider the subject and to report, and, soon after, a lease of the vacant lot on the East side of the College Buildings was obtained, and a commodious School House erected thereon.

In the beginning of 1849, a Petition from the University, praying for an increase in the Parliamentary Grant, was transmitted to the Governor General-in-Council in the following terms :—

"That, while the other University established by Royal Charter within the late Province of Upper Canada, namely, that of King's College, Toronto, had been richly endowed out of the public lands of the said Province, although such endowment was not employed in the actual instruction of youth until after the opening of Queen's College, etcetera"

(NOTE.—The rest of this Petition is similar to that presented by the Trustees to the House of Assembly on the 12th of February, 1849. See pages 113, 114 of this Volume.
A subsequent Petition, of the 6th March, asking for a grant of Government Land for the erection of suitable Buildings was also presented. See page 114 of this Volume.)

Under the administration of the Honourable Robert Baldwin, Attorney General, the Charter of King's College was this year amended, mainly in its present form, but changing its name into that of "University of Toronto," and establishing "University Colleges," doing away with the Professorship of Theology, all exercise of Religious Worship, and the requirement of any Religious Test whatever in the appointment of Professors. During the progress of the debates in Parliament on the subject, the following Petition of the Board containing their views with regard to the proposed measure was addressed to the Legislative Assembly :—

(NOTE. A copy of this "Petition of the Board of Trustees of the University of Queen's College, Kingston" is printed on pages 127—129 of this Volume.)

1. On the 1st May, the Report of the Committee on the Course of Study having been read, the Board having considered the same, resolved, that the three Sessions attendance of seven months each "an attendance during eight months had been required up to the close of the Session, on the literary and philosophical classes be required in order to entitle a student to compete for the Degree of B. A. The Board also being desirous of meeting the wishes of the Synod in regard to those who were studying with a view to the Ministry and at the same time being very strongly convinced of the importance if not the necessity of the session, for all the students in the Faculty of Arts being of the same length, were of the opinion, that students intended for the Ministry should be permitted to complete their literary course in four sessions of six months each, instead of the above curriculum only in such special cases as should be recommended by their respective Presbyteries, or Ministers.

2. On the 17th July, 1849, the Report of the Committee, appointed to consider the new University Bill of the Honourable Robert Baldwin, and its bearing on the position of Queen's College, was received and adopted at a very full Meeting of the Board of Trustees. In this Report, and in the Statement afterwards prepared for as wide circulation as possible by the Committee appointed by the Commission of Synod in nearly the same terms, the reasons are set forth of the Resolution of the Trustees to carry on the Institution in conformity with its Royal Charter, irrespective of the University Act passed last Session of Parliament. The Act of 1849, lately passed, they observed, was not only entirely different from, but in all essential respects quite opposite to the Measure brought forward two years ago by the Honourable John A. Macdonald—a Member of the Government at that time.* The one recognized Religion as the proper foundation, and attendant of Education, the other aimed at their total separation. The one provided for the incorporation of the several Colleges in the Country as integral parts of the University, and for a participation by Queen's College in the Public Endowment, the other gave but a mere shadow of representation to the several Colleges that might agree to the Measure, and no share whatever in the Endowment. It further appeared to the Board that the plan of centralization, on which the new University Act of 1849 proceeded was, as they had already stated, liable to very strong objections, and it is not so likely to promote the educational interests of the Country as the plan of separate endowment.

3. Although they were at one time in favour of a Measure which involved the plan of centralization, (nor was it a Measure widely different from the Bill which had just been passed,) but the increase of population and other circumstances in the state of the Country, and a mature consideration of the whole subject had led them to come to the conclusions, that the plan of confining the University Institutions of an extensive Country, like this, rapidly increasing in the number of its inhabitants to one locality, and one set of Teachers, was not the best fitted either to advance the diffusion of learning, or to command public confidence. It, moreover, appeared to them, upon other and special grounds, that Queen's College ought to be maintained

* A copy of this Bill of 1847 is printed *in extenso* on pages 4—6 of the Seventh Volume of this Documentary History.

in its present state as a Literary and Theological Institution. Among these other grounds adduced by them, the following are thus stated :—

4. The Roman Catholic Church had made Kingston the chief seat of their Educational operations in Upper Canada, for which it is admirably fitted by its central position, which renders it the natural capital of a very large section of the Province. Should Queen's College not be maintained in operation, there would be no Protestant educational institution from Cobourg to Montreal.

5. There is reason to fear, that, if the means of Literary Education are withdrawn, it will stop the progress of nearly all the students for our Church. Of these, there are now about fifteen. Many of them could not attend at Toronto. At Queen's College, every possible exertion is made to render attendance as cheap as possible to students for the Church ; they are entirely exempted from fees, and the Boarding House is kept up at such a rate, that the students' expenses amount only to Twelve pounds per annum. The time of attendance is so arranged as to permit young men to teach during the Summer. None of these advantages could be expected of King's College as now constituted ; full fees would be exacted ; they would have to board in as expensive a way as other young men, and the terms of attendance are such as to prevent any other occupation, so that none would attend but those of independent means, or whose friends were in affluent circumstances. Besides, the Bursaries granted by individuals and bodies interested in the welfare of our Church would likely not be given to those attending a College not connected with that Church, and in which these persons might not place any confidence.

6. The increase of students in Queen's College, and the probability of further increase, ought to lead us to maintain it. After the Secession of 1844, only ten students attended. Two Sessions ago there were only seventeen. Last Session there were thirty. The increase of the College School, which may be regarded as an indication of the future increase of the College, is also most encouraging. In 1846, when the school was reopened, there were only six scholars. During the last half year, the number attending has been upwards of fifty, nearly all engaged in such studies as will fit them for College. The fact that we can now point to eighty of the youth of the Province enjoying the benefit of a superior education in connection with Queen's College, must tend to give the Board strong claims on the assistance of the Legislature, as well as to the countenance of the community generally. Nor, as far as the Board can see, is there anything in the new University Bill of 1849, which will prevent the increase of students in Queen's College. The mere ejection of Theology and of Public Prayer and all forms of Worship, the excluding of Religion and every Religious Denomination from a share in the Public Endowment, and of other Colleges of all but a mere shadow of representation in the management of the University of Toronto, and the bar of exclusion virtually pronounced against all Ecclesiastics, to whom, in all ages, the cause of learning has owed so much, which comprise nearly the whole amount of alteration on the old system of King's College, will not tend to attract students in any material degree, or diminish the force of the objections against it. The management will be, in all essential and practical respects, the same, and the changes which have been made will be, to many, only a new cause of objection. Many parents would prefer sending their children to Queen's College, even though they belonged to a different section of the Christian Church, rather than to one where all Religion is studiously avoided and purposely rejected."

7. At the same day, the Board resolved to invite the Reverend Doctor Liddell to resume the office of Principal, and agreed to offer him the salary originally assigned to the office by the Resolution of the Board May 22nd, 1846, " but that this salary should be guaranteed only so long as the General Assembly shall grant to Queen's College the annual sum of Three Hundred pounds, (£300) sterling, or, in the event of the capital sum originally promised for the endowment of the Primarius Professor of Divinity, namely Five Thousand pounds, (£5,000,) being paid by the Church of Scotland, unless the Board shall have at their disposal funds from other sources sufficient to warrant such a guarantee." The Chairman was instructed to write to Doctor Liddell, transmitting to him a copy of this resolution, and requesting from him an early reply.

On the 28th September, 1849, a Letter was laid before the Board of Trustees, from the Reverend Doctor Liddell, accepting the invitation of the Board to resume the office of Principal, and stating that he expected to be in Kingston about the end of the month.

Enclosed in the letter of Doctor Liddell was a Minute of the Colonial Committee of the date of the 23rd of August, 1849, in the following terms :—

" Extracts from the Minutes of a Meeting of the Acting Committee of the General Assembly's Committee, on Colonial Churches, held at Edinburgh, the 23rd day of August, 1849 :—

" Read Letter from Mr. Harper, Chairman of the Board of Trustees, Queen's College, Kingston, Canada, transmitting a copy of a Resolution passed at a late meeting, inviting Doctor Liddell to resume the office of Principal. The Resolution having been read, the Committee delayed expressing any opinion upon it until they knew what determination Doctor Liddell should come to in regard to it. In order, however, to guard against mistakes, the Secretary was directed to write to Doctor

Liddell, letting him know that the grant of Three Hundred pounds (£300,) made by the Committee and referred to in the Resolution was considered by the Committee to be optional on their part, to give, or withdraw it at pleasure, and that they did not hold themselves bound to grant the sum of Five Thousand pounds (£5,000,) for the endowment of a Primarius Professor of Divinity, referred to in the Trustees Resolution."

Doctor Liddell, however, had not arrived up to the end of November, 1849, and the Board, being still without further communication from him, took the necessary steps to have the work in the Theological Classes, in the meantime, carried on as before, and requested him to communicate to them, as early as possible his intentions with regard to his resumption of the office of Principal. His presentation to a parish in Scotland, and the anxious deliberation to which it led, had been the cause of the delay, and finally he withdrew his acceptance of the principalship in favour of the field of labour before him in Scotland.

II. EDUCATIONAL PROCEEDINGS OF THE SYNOD OF THE PRESBYTERIAN CHURCH (OF SCOTLAND) IN CANADA.

July 11th, 1849. The Synod proceeded to the election of three Trustees for Queen's College, at Kingston, in room of the Reverend Hugh Urquhart, A.M., the Reverend George Romanes, A.M., and the Reverend John Barclay, A. M., who retire from office at this time, according to the terms of the Royal Charter of Queen's College, where the same Gentlemen were unanimously re-elected, and their names placed at the top of the Roll. The Clerk was instructed to intimate the same to the Board of Trustees.

July 13th, 1849. The Synod, had read, and duly considered the Act of Synod of last year anent the Examination and Reception of Students of Divinity, and Probationers and Ministers coming from other Churches, not in connection with this Church, including the Plan of Proceeding and subjects for Examination, and having made several amendments thereon, adopted the same as an Interim Act, and transmitted it to Presbyteries that their opinions thereon may be sent up to next meeting of Synod.

July 16th, 1849. The Synod next took into their consideration the Act of last year, anent the Course of Study to be pursued by students for the Holy Ministry,—as also an amendment to the same proposed by the Board of Trustees of Queen's College, to the effect that a departure from the established Curriculum of Queen's College by shortening the length of the Sessions and increasing their number, as contemplated by the Synod's Act of last year, should take place only in the case of such students as were specially recommended thereto by their respective Presbyteries. The Synod, without adopting the proposed amendment in the meantime, agreed again to adopt the Act of last year as an Interim Act for one year, and ordered it to be transmitted to Presbyteries, that they may send up their opinions thereon to next meeting of Synod.

July 17th, 1849. The Synod had transmitted to them, by the Board of Trustees of the University of Queen's College, a Paper in regard to the course which ought to be pursued by the College and by this Church, in consequence of the Bill of the Honourable Robert Baldwin, in regard to the University at Toronto, passed by the Legislature at last Session, and a request from the Board of Trustees that the Synod and the Church at large would aid them in putting Queen's College on a more efficient footing. After some consideration, the Synod agreed to refer the said Paper to the Commission of Synod, and, in regard to putting the College on a more efficient footing, the Synod, in the meantime, agreed to pledge themselves to carry out this object by cordially recommending it to their Congregations and endeavoring to secure their co-operation.

The Synod had transmitted to them, by the Board of Trustees of the University of Queen's College, a copy of a Resolution adopted by the Board to made an effort again to obtain the services of the Reverend Doctor Liddell, as Principal again of the University. The Resolution, having been read and considered, it was, on motion of the Reverend Doctor Mathieson seconded by Mr. A. Bell, agreed to :

"That the Synod, having ample experience of the efficiency of Doctor Liddell for the work to which he has been called by the College Trustees, as well as of his known zeal in promoting the advancement of Literature, cordially approve of the Resolution." Mr. Spence dissented from this decision.

There was next presented to the Synod an application on behalf of the Trustees of Queen's College, that, in case it should be found necessary to employ any of the Ministers of this Church in carrying on the work of instruction during the ensuing Session of College, leave of absence should be granted for that purpose. The Synod instructed Presbyteries to grant leave of absence to such Ministers, for such time as may be necessary, and to take steps for the supply of their pulpits.

The Address to Her Majesty the Queen, in regard to the University Bill of 1849, was adopted and signed by the Moderator, in presence of the Synod. The Address is as follows :

UNTO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty:—

We, the Ministers and Elders of the Presbyterian Church of Canada, in connection with the Church of Scotland, desire, at this time, to renew the expression of our steadfast and unabated loyalty and attachment of Your Majesty's Royal Person, and of our unaltered love of the Principles of that happy Constitution under which we and our fellow-subjects throughout the extended territories of Britain, have enjoyed so many blessings.

* * * * * * *

We can solemnly say that, as a Church Court, we have ever carefully refrained from intermeddling with party politics, and we are sure, that, in adverting, at this eventful crisis in our history, to the views we entertain on the subject of Public Education, we shall not be regarded as departing from the course which we have prescribed for ourselves. These views are in conformity with those which have been so long held and so successfully carried out in our native land. We believe that the stability of Government, the peace of the community, the supremacy of the laws, the harmony of neighborhoods, all that regards man's welfare in time, as well as his happiness in eternity, have their only sure basis in the instruction of the people in the truth of the Bible ; and, holding those views, it is impossible for us adequately to express our grief and disappointment at the attempts that are made to sever Religion from the Public Instruction. We refer especially to the University Measure of 1849, carried through the late Session of the Provincial Parliament, and now become law, which, though the University was endowed by one of Your Majesty's Royal Predecessors, expressly for the education of the youth of these Provinces in the Christian Religion, as well as in Literature and Science, does yet so thoroughly exclude Christianity, that there is no security, that the men to whom shall be confided the high work of informing and training the minds of our youth shall be men, who even "believe in the only true God and Jesus Christ whom he hath sent." As a Christain Church, we should be betraying the cause we are bound to uphold, did we not draw Your Majesty's attention to this disastrous University Measure, and, if we did not express our earnest hope that since it so directly contravenes the intentions of the enlightened Founder while it is regarded with dissatisfaction by all the great Religious Bodies of the Country, means may yet be taken by Your Majesty's gracious direction, to amend the provisions of that Statute, and so to avert from us and our posterily a calamity so great as its permanent adoption must inevitably bring upon us, if it be true that "them that honour God he will honour, while they that despise Him shall be lightly esteemed."

* * * * * * *

Signed at Kingston, in name, in presence, and by appointment of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, by

KINGSTON, Canada, 17th of July, 1849. JAMES C. MUIR, Moderator.

The Address to His Excellency the Governor-General was also adopted and signed the Moderator, in presence of the Synod. The Address is as follows :—

TO HIS EXCELLENCY THE RIGHT HONORABLE JAMES, EARL OF ELGIN AND KINCARDINE, GOVERNOR-GENERAL OF BRITISH NORTH AMERICA.

May it please Your Excellency :—

We the Ministers and Elders of the Presbyterian Church of Canada, in connection with the Church of Scotland, in Synod assembled, embrace this opportunity of again expressing our regard for Your Excellency, and, through you, as the Representative of Our Gracious Queen, our loyalty and attachment to her person, and our unabated admiration to the British Constitution.

* * * * * * *

The views entertained by us on the subject of Education,—that which it is the duty and the wisest policy of the State to provide for the people,—are in conformity with these held, and so successfully carried into practice, in our native land. The foundation of Public Education must be laid in the Bible ; for the formation of the Religious character demands the chief care, not only for the external salvation of the individual, but for the temporal order and well being of society.

We are filled with regret and disappointment in observing the almost total exclusion of the Religious element from the Public Education of Canada, both in our Common Schools, and more strikingly in the recent Act of 1849, for the Amendment of the Charter of King's College,

—the only Collegiate Institution in the Province endowed at the public charge. If, as has been pleaded, the total exclusion of the Religious element became necessary, because of the impossibility of reconciling the different branches of the Christian Church existing among us, upon any Catholic basis, we regret the result all the more, on account of the alleged necessity ; and we declare to your Excellency our belief that the catholic union of Christians in the matter of Public Education, whether common, or collegiate, is the duty of all Christians in the circumstances of this Country, and that if this Measure had been generally entertained, no effort would have been wanting on our part to promote it.

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Signed at Kingston in Name, in Presence, and by appointment of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, by

KINGSTON, 17th July, 1849. JAMES C. MUIR, Moderator.

III. EDUCATION PROCEEDINGS OF THE SYNOD OF THE (FREE) PRESBYTERIAN CHURCH IN CANADA, 1849.

In 1848, a Committee was appointed by the Synod to watch over any Bill which might be introduced into the Legislature for the amendment of the Charter of King's College. In 1849, that Committee reported verbally through the Reverend Doctor Robert Burns, Convener. The Report was sustained. It was then moved by Doctor Burns, seconded by Mr. McMurray and,—

Resolved, 1. That seeing that essential changes have been made in King's College by the Legislative Act of 1849, lately passed, and with the intention of putting the benefits of this Literary Endowment within the reach of all classes of Her Majesty's subjects in this Province, the Synod resolve to petition for such changes in the internal management of King's College as shall supesede the necessity of a separate Literary Establishment for our Knox College students, and with this view shall name a small Committee to hold intercourse with the Commissioners appointed, or to be appointed, to digest a plan for the adaptation of the studies of that Institution to the present state of this Province and the necessities of Evangelical Churches ; resolving, at the same time, to give every countenance to the Toronto Academy as an elementary Institution, and to maintain in vigorous operation our own Institution of Knox College in its purely theological character.

It was moved by the Reverend John Bayne, seconded by the Reverend John M. Roger and

Resolved. 2. That a Committee be appointed to consider what alterations in the internal management of King's College would be sufficient to warrant the Synod in reducing Knox College to a purely Theological Institution, to prepare a Petition to the Commissioners empowered to make such alterations ; embodying the conclusions to which they may come, and to report to the Synod at a subsequent Session.

After lengthened discussion, the vote was taken, when there voted for Doctor Burns' motion, five ; for Mr. Bayne's motion, twenty-eight ; three Members declined voting.

The Reverend John Bayne's motion was accordingly declared to be the deliverance of the Synod.

The Synod called for the Report of the Committee on King's College. The Reverend Alexander Gale gave in the Report, which was read. After deliberation, the Synod adopted the following Resolution : That the Synod sustain and approve of the Report, and adopt its recommendations, and instruct the Committee to put themselves in communication, with the Commissioners that may be appointed under the amended King's College Act of 1849 ; and use every proper means to obtain the alterations in the University, recommended by the Committee, and the appointment of suitable Professors.

Subsequently the Reverend Alexander Gale gave in a Report from the Committee on King's College, when, after deliberation, it was agreed : That these Reports be received and sustained ; and that the thanks of the Synod be given to the Committee, for the attention which they have given to the matters entrusted to them. That the College Committee endeavour to get such arrangements in the University of King's College, as will answer the purposes of Knox College, as they deem best, for the purposes of promoting its objects, and the advancement of the students in the prosecution of their studies.

The Committee appointed to draft a Constitution for Knox College, (as per Resolution inserted on page 266 of the Seventh Volume of this Documentary History,) submitted a Draft of such Constitution, including arrangements for its Government and Dicipline, and suggesting a Curriculum of Study for the College.

The Convener of the Committee, the Reverend William Reid, reported that he had, in accordance with the directions of the last Synod, written to the Reverend Doctor Cunningham of the New College, Edinburgh, but had received no answer ; that he had, therefore, himself, prepared a very general outline of a proposed Constitution, and that, being unable to convene

the Members of the Committee he had transmitted the outline prepared to the Professors of Knox College, to obtain their assistance in filling up the details. The Reverend Alexander Gale, on behalf of the Professor's Court, reported a draft, Constitution, prepared, in consequence of the remit, from the Synod. The draft, Constitution was read, when, on motion made and seconded, it was agreed.—That the Synod approve generally of the draft Constitution submitted by the Professors' Court, and remit the same to them, with instructions to put the Draft in proper form, and transmit it forthwith to Presbyteries, which are hereby enjoined to report their opinions on the proposals contained in the same, on or before the 1st of March, 1850, in order that the Professors' Court may prepare a full Report, exhibiting the views of the Church, as thus obtained, to be laid before the Synod at the next ordinary Meeting. And further, that, in the meantime, the Professors' Court be authorized to take the recommendations of the Report, for their interim guidance, in conducting the business of the next Session of the College, so far as they find it practicable and expedient.

(NOTE. This interim Constitution gave general powers of discipline to the Senatus, or Professors' Court, of Knox College, and committed the general affairs of the College to a large Committee, which is appointed annually by the Synod.)

A Committee was appointed to consider the present and prospective state of the College fund, with authority, (after conference with the Professors), to determine whether any and what reduction can be effected in the present College expenditure, so as to bring it within the probable annual contributions of the Church, consistently with the efficiency of the Institution. The Committee was . . . instructed to make an appeal to the Church, in behalf of the funds of the Institutiod. The Professors' Court was continued, and also the College Committee for the current year.

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IV. THE METHODIST CHURCH AND THE UNIVERSITY QUESTION OF 1849.

As a Church, the Methodist people took no part in the discussions, pro or con, which took place in Upper Canada, in 1849, on the Baldwin University Bill of 1849. Neither the Board of Victoria College, nor the Conference, considered, or discussed, the matter in any form. The "*Christian Guardian*," or Conference Organ, controlled and edited at the time by the Reverend George R. Sanderson, refered to the Baldwin Bill in any thing but complimentary terms, but there was no official, or formal utterance of the Denomination, as such, on that Bill.

A Petition from the University of Victoria College, to the Legislature, asking for aid to the College will be found on pages 121-126 of this Volume.

What Mr. Sanderson said on the subject, I have compressed as follows :—

In the discussion of this great Question, as we urged in 1847, political parties should be left out of sight and the Question settled upon its own intrinsic merits, irrespective of all parties. The wise and righteous settlement of this long-agitated subject is of incomparably greater importance to the present and future generations of our Country than the name of a political party by which this desideratum may be effected. A Measure ought to be esteemed good or bad, according to its merits, and should be opposed, or supported, accordingly, whether it be brought forward by Lord John Russell, or Sir Robert Peel, the Honourable J. A. Macdonald, or the Honourable Robert Baldwin. Such, at least, are our views of the required action of all Christian men.

With such views we entered upon the discussion of the University Question in 1847 ; unchanged we take it up again in 1849. We judge of the Baldwin Bill before the Country upon its merits. We look to the principles upon which it is founded more than to its details, to its ultamate results upon community more than to its ability to satisfy the present noisy clamour of a small portion of the inhabitants of Upper Canada. We look to the Measure and lose sight of the men who support it, and those who oppose it.

The whole basis of the Bill is bad. It is founded upon principles subversive to the best interests of the Country,—principles alike repugnant to the Religious feelings of the great majority of the Canadian public, and to their sense of justice and good faith. We dwelt in our last number upon the godless character of the Measure, and showed that anything approaching to it could only be found in infidel France. This cannot be denied. And we ask, can any Measure, the great leading principle of which is a repudiation of Christianity, find favour with

the Religious people of Canada. Not merely is sectarianism excluded, but Religion itself is outlawed ; those great principles on which all Christians agree, are shut out from the University by the provisions of the Bill. The leading principle of the Bill is then Infidelity.

Another of its leading principles is Centralization. It provides most amply for the secular instruction of the youth in and about Toronto ; but for the thousand young men scattered over a territory six hundred miles in length, it makes no provision whatever. The favoured few residing in the City of Toronto and its vicinity will have easy access to the University ; but the disfranchised many residing in and around Chatham, London, Brantford, Hamilton, Cobourg, Brockville, Perth and Bytown, must content themselves with such secular education as the Common School in their own neighborhood can furnish, while the means benevolently provided for their liberal education, conducted on Religious principles, are expended on the fortunate ones in Toronto. Can any sane man suppose that an equal amount of good can be accomplished by one Giant University in an extensive Province, as can be accomplished by a dozen University Colleges scattered over the whole. Is it possible to suppose that the same number of youth will be educated at one Institution, even were its position happily chosen, as would be instructed in several Institutions judiciously located. Many young men avail themselves of an education at Cobourg who would not do so, did not a College exist there, and many more attend College at Kingston who would never be the inmates of a College were they compelled to go to Toronto, in order to secure a University education. And still further eastward as well as westward of Toronto there are hundreds of whom similar remarks may be made.

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The newspapers of the day ascribed this and other articles which appeared in the *Christian Guardian* on the University Question to the pen of the Reverend Doctor Ryerson. The Editor, Reverend George R. (afterwards Doctor,) Sanderson positively stated in reply that Doctor Ryerson neither saw nor knew any thing about this, or other, articles on the subject, until they appeared in print. The Editor of the Montreal *Register* was incredulous, and frequently attacked Doctor Ryerson as, at least, the inspirer of such articles, and also that he knew something about a proposed division of the Endowment of King's College, as indicated in his Letter of the 17th of March, 1846, addressed to the Governor General, and printed on pages 104-106 of the Sixth Volume of this Documentary History. In his reply to the Montreal *Register*, Doctor Ryerson said :—

"You know perfectly well that my Letter of the 17th March, 1846, was written in reply to an inquiry addressed to me, by the Government, as to the views and wishes of the Authorities of Victoria College on the University Question. I explained their views, quoting the Resolutions which they had, at different times, adopted on the subject ; and I referred to no then existing plan of dividing the University Endowment, beyond the only two plans that had been mooted, already,—those of Messieurs Baldwin and Draper—the former by Mr. Baldwin, in 1843, which contemplated a provision for others than one College at Toronto, and the latter, by Mr. Draper, in 1845.

The University Measure of Mr. J. A. Macdonald, (who was not even a Member of Government in March, 1846,) was not introduced till the Summer of 1847, (more than a year after the date of my Letter,) and was as entirely unknown to me, as to yourself, until I read it in the reported proceedings of the Legislative Assembly . . ."

In a previous number of the *Christian Guardian*, the Editor thus pointed out, by way of contrast how the Legislature of the States of New York and Massachusetts did not concentrate their interest on one College in each State but with an equal hand made liberal grants to all. The Editor said :—

The *Albany Argus* publishes "by authority" an Act passed at the recent Session of the Legislature "appropriating portions of the income of the United States Deposit and Literature Funds to certain Colleges and Academies, and for other purposes." The Act appropriates $3,000 in each year, for two years ending 1st of August, 1849, to each of the following Colleges, videlicet—Geneva College, (Episcopal,) New York University, Madison University, (Baptist), College, and Saint John's College at Fordham, Westchester County, (Roman Catholic.) It also appropriates $40,000 in each of the two years aforesaid, towards the support of certain Academies and Schools in the State ; the apportionment to be made by the Regents of the University, on the usual basis.

The Joint Committee on Colleges in the Massachusetts Legislature, have reported in favour of allowing the School fund, now limited to $1,000,000 to accumulate to $1,500,000, and to divide the surplus interest, $30,000 ; among Cambridge, Amherst, and Williams' Colleges. This fund is also derived from the sale of public lands in Maine.

CHAPTER XIII.

MEASURES FOR THE IMPROVEMENT OF THE UPPER CANADA SCHOOL SYSTEM, 1849.

I EXPLANATORY REMARKS ACCOMPANYING A DRAFT OF BILL, MAKING FURTHER PROVISION FOR THE IMPROVEMENT OF THE SYSTEM OF COMMON SCHOOLS IN UPPER CANADA.

THE CHIEF SUPERINTENDENT OF EDUCATION TO THE PROVINCIAL SECRETARY.

I have the honour to transmit, for the consideration of the Governor General-in-Council, the annexed Draft of Bill for Upper Canada.

For convenience, I have included in the annexed Draft of Bill all the provisions of the Draft of Bill which I had the honour to transmit, with explanations, the 14th of last October.

The first fourteen Sections of the annexed Draft of Bill are identical with the Draft of Bill of the 14th of October; and I have nothing to add to the explanations and remarks on the Upper Canada School Law generally, which accompanied that Draft of Bill.*

The Fifteenth Section of the annexed Draft of Bill provides for giving legal effect to the proposition of the Provincial Board of Education, and the 4th of March last, and approved of by the Governor General in Council, as communicated in your Letter of the 31st of October.† The Proviso in this Section will show that it is not intended to encroach upon the amount of aid now given to the Common Schools of Upper Canada; and it will, therefore, not only guard the amount of aid thus given, but will also prevent any dissatisfaction arising in the minds of its recipients.

PROPOSAL FOR THE ESTABLISHMENT OF A SCHOOL OF ART AND DESIGN.

The Sixteenth Section proposes a small provision for the establishment of a Provincial School of Art and Design, on the vast importance of which I need not enlarge.‡ I have treated the subject at some length in the concluding part of a Lecture just published in the number for February of the second volume of the "*Journal of Education for Upper Canada.*"§

I may remark, that the Governor of the State of New York has recently recommended the Legislature of that State to make a grant for the establishment of a School of Art and Design, to be under the direction of the same Body that manages the State Normal School. There is room, and there are facilities, for establishing such an Institution on the premises and partially in connection with the Normal School for Upper Canada, at much less than half the expense required to establish it under any other circumstances, or in any other place.

PROPOSED PROVISION FOR PUBLIC SCHOOL LIBRARIES. (SEE PAGE 221.)

The additional amount coming to Upper Canada on a new and equitable division of the Legislative School Grant of £50,000, will meet the expenditures proposed in this Bill for the establishment of Common School Libraries, a Provincial School of Art and Design, and to facilitate the attendance of Candidates for School teaching at the Normal School. When the actual operations of those departments of public instruction shall have been witnessed, the Legislature will then be able to judge whether, or not, they ought to be extended.

PROVINCIAL CERTIFICATES OF QUALIFICATION FOR TEACHERS.

The Seventeenth Section proposes to confer upon the Chief Superintendent and Masters of the Normal School, authority to give Provincial Certificates of Qualification as Teachers to Students of the Normal School, a power which is possessed by the Superintendent of Common Schools for the State of New York in regard to any Common School Teacher, on the recommendation of a local Superintendent. I can imagine no objection to this Section; and I am satisfied that it will be advantageous in several respects.

* This Communication will be found on page 83-94 of that volume.

† See page 283 of the Seventh Volume of this Documentary History.

‡ For copy of a Petition on this subject see page 112 of this Volume.

§ "An Address on Canadian Mechanics and Manufacturers." This Address will be inserted in one of these Volumes subsequently.

A Second Assistant in the Education Department for Upper Canada.*

The Eighteenth Section is in harmony with the gracious decision of the Governor General in Council, as communicated in your Letter of the 19th ultimo, in reply to my application and the recommendation of the Board of Education for the employment of a Second, or Assistant Clerk, in the Education Office for Upper Canada. I have also to remark, that should this Section be approved of in its present form, the Chief Superintendent of Schools for both Sections of the Province will be placed upon the same footing in respect to salaries. I will add, probably, from £20 to £40 per annum, for two, or three, years to what the Chief Superintendent of Schools for Upper Canada will be otherwise entitled to, on a redivision of the Legislative School Grant,—which is a portion only of the expenses incurred by him in publishing the Frst Volume of the *Journal of Education*, besides the labour of editing it. If it be desired by the Government that the Chief Superintendent of Schools for Upper Canada should make Official Visits to the several Districts, he can then be enabled to do so, either by having his salary made the same as that of the Chief Superintendent of Education for Lower Canada, or by being allowed his travelling expenses ; but he is not able to do so, nor can it be reasonably expected of him, at his own expense, from his present salary. On the accumulated duties of the Education Office for Upper Canada, during the last two years, or, on a comparison of them with the duties of the Education Office for Lower Canada, I have no inclination to remark ; and I will only add, that, allowing travelling expenses to the Chief Superintendent of Schools for Upper Canada will be more advantageous to him than making his salary the same as that of the Chief Superintendent of Schools for Lower Canada.

Power of Trustees to Collect Rate-Bills Limited. Their Responsibility.

The Nineteenth Section proposes to limit the power of Trustees to collect Rate-Bills for the salaries of School Teachers, to the year, for which they are levied, and to make them personally responsible for what may be due a Teacher, in case of neglect of duty in collecting it. A most fertile source of disputes and embarrassment in School operations is found in the delays in collecting Rate-Bills,—the Trustees of one year refusing to collect the Rate-Bill debts of the preceding year. The Nineteenth Section will be a help to Trustees who insist upon the regular payment of Rate-Bills, and will prevent the evils arising from delays.

To Harmonize the School and Municipal Law very Desirable.

These first Nineteen Sections of the annexed Bill, I have the honor to recommend are necessary so as to render the Common School Law of Upper Canada efficient, without any reference to the new "Municipal Corporations Bill ;" and should not the "Municipal Corporations Bill" become law this Session of the Legislature, I most earnestly hope the first nineteen Sections of the annexed Bill will be passed, as I explained in my Communication of the 14th of October last,† these Sections propose no alterations in the provisions of the present School Law, but the remedying of defects, which the omissions of clauses in the Drafts of previous Bills have caused, and the supply of wants which the progress of the School System has created. Many facts and recommendations from local Superintendents, and two, or three, District Councils, have come to my knowledge since last October, in favour of the principal Sections of the Draft of Bill then transmitted,—and especially in favour of the Second and Third Sections ; and the only amendments in the School Law which have been urged by the Municipal Councils of the Brock, Talbot, and Home Districts, at their recent Sessions, are embraced in the annexed Draft Bill.

I have not seen any recent proceedings of any other District Council in Upper Canada, on the subject of the School Law.

II. SECTIONS DESIGNED TO ADOPT THE SCHOOL LAW TO THE PROPOSED "MUNICIPAL CORPORATIONS BILL" OF 1849.

The last six Sections of the annexed Draft of Bill, are designed to adapt the School Law to the contemplated change in the Municipal Councils of Upper Canada.

There is a great difference in the comparative efficiency of the School System in different Districts ; and I believe that difference is chiefly owing to the character and efficiency of the local School Superintendents. Where the District Superintendent is an intelligent, practical, active, industrious man, and heartily alive to the great interests of the work in which he is engaged, there the progress of the School System is obvious and most gratifying, and the Municipal Council is disposed to carry out the judicious and various practical recommendations of the District Superintendent. As examples, I may refer to the Brock, Talbot, Niagara, and indeed to more one-half of the Districts in Upper Canada. But in other Districts, where the

* See Proceedings of the Provincial Board of Education, Chapter XV.
† Printed on pages 82-94 of this Volume.

local Superintendents are far from being efficient, either from want of practical talent, experience, or diligence, the state of the School System in these Districts, and the interest of the people in the Schools, are very different.

Now in this last class of Districts, I think any change in the local supervision, cannot be otherwise than an improvement; but, in Districts which have been fortunate in the selection of the local School Superintendents, I doubt whether a change in the system of local supervision will be advantageous to the interests of the Schools, at least, for some time to come. But, with a system of Township Municipal Councils, there will likely at present no other than a system of Township Superintendence; and, in such a case, there must be also a corresponding system of correspondence with the Provincial Education Office,—thereby greatly increasing its duties.

A "Township" School System discussed on its merits.

On the whole, however, and, in the course of a short time, I think a Township School System of Common Schools, [under a Township School Board] (which prevails in some of the New England States), will be found very superior to the present County or District System; although I am aware that, in this opinion, I differ from the views of the New York State Superintendent of Common Schools in his last Annual Report. But the Townships in Upper Canada are very much fewer than in the State of New York, nor is there any Township Municipality System in that State; and I have constructed some of the last six Sections of the annexed Draft of Bill, with a view of guarding against the defects and evils of the Township Superintendent System complained of by the New Nork State Superintendent.*

The Twentieth Section prescribes the times when the several provisions of the Bill shall come into force.

The Twenty-first Section invests Township Councils, within their respective jurisdictions, with the powers of the present District Councils for Common School purposes.

The Twenty-second Section requires each Municipal Council to notify the Chief Superintendent of its appointment of a local Superintendent,—a necessary precaution and provision.

The Twenty-third Section confers upon Township School Superintendents, within the limits of their respective jurisdictions, the powers of District Superintendents, with two vitally important provisos:—The one fixing the minimum of the allowance to Township Superintendents, the other prescribing additional duties of the highest importance to the progress of Common Schools. Without these provisos, I think the system of Township School Superintendents will prove a failure, as it has done in the State of New York; with these provisos, I think it will add very greatly to the efficiency of our Common School System.

The Old and New System of Township School Superintendents Considered.

In the "Municipal Corporations Bill," I perceive the minimum of allowance to certain officers is proposed to be prescribed by law; and I think such a provision absolutely essential to the efficiency of the office of Township School Superintendent. The inefficiency of the late office of Township Superintendent was, I am persuaded, chiefly owing to the absence of the provisos which I here propose. In some instances, persons offered to perform the duties of Township Superintendent gratuitously, and such offers were invariably accepted; but their gratuitous zeal soon subsided; and as "gratuitous service" is "irresponsible service," those who performed it considered themselves entitled to gratitude for the little that they did, rather than liable to blame for the much that they did not. Besides, when there were rival candidates for the Office, the lowest bidder almost always received the largest suffrage; but, when once in office, he would proportion his work to his compensation. Such was the tendency and practical effects of the former system; though there were many honourable exceptions. And a still worse effect of that system was, the appointment, under such circumstances, of many incompetent persons. The first proviso, which I propose, will remove all competition for the Office upon pecuniary grounds; and, while the compensation will be such as to secure the services of competent persons, the duties enjoined by the second proviso can hardly be discharged, or even attempted, by incompetent persons. The second proviso will prevent the Councils from appointing persons who are not competent to prepare and deliver Public Lectures; and persons who are competent to do that will be most likely to be qualified to inspect and superintend the Schools,—their qualifications for which will be necessarily increased by their obligations to prepare Public Lectures on such subjects. The second proviso will produce, 12,000 School Visits of Superintendents, per annum, instead of 3,000 as at present, besides, 3,000 Public School Lectures,—one in each School Section in Upper Canada. The vast amount of good which will result from such an arrangement, can scarcely be estimated.

* From various causes the Township School System, with Township School Boards, here advocated, was not adopted by the Legislature, and has never been tried in this Province.

The Twenty-third Section is likewise so worded, that the same person may be appointed the School Superintendent of more than one Township ; and it will probably often happen that the same person,—known to be peculiarly qualified for such an office, and devoted to the interests of Schools,—may be appointed Superintendent of Common Schools by the Municipal Councils of two, or three, or four, contiguous Townships. It is probable that some of the best of the present District Superintendents will be so employed.

As to the expense of this Township Superintendent System, I remark that, in several of the Districts, the salaries now paid to District School Superintendents exceed one pound currency per School ; and in other Districts, where this is not the case, the salaries of the District Superintendents are notoriously too small. The payment of both District and Township Superintendents would be felt as a burthen, as the system itself is both complex and feeble ; but the difference in the expense of a system of Township, or District, Superintendents, will be nominal, while about four hundred per cent. more labour will be performed under the former, than has been performed under the latter.

Township School Libraries may be Established.

A Township School System will also be favourable to the system of Township School Libraries, with the School Sections as Branches. Under this system the Chief Superintendent of Education can render his Official Annual Visits to the several Counties, or Districts, more useful than at present, by meeting the School Superintendents of the several Townships, and, through them, bringing to bear, in the course of a few months, upon every Township and School Section in such Districts, any measures of practical improvements in the Schools.

I have added a third proviso to the twenty-third Section, with the view of securing the attendance of Township Superintendents at County, or District, School Convention Meetings, such as were held by the Chief Superintendent of Education in the autumn of 1847.* I apprehend no objection to such a proviso ; and I think it will be attended with advantage in many instances.

Various Other Provisions in the Draft of School Bill Explained.

The Twenty-fourth Section provides for the peculiarities of Union School Sections. In almost every Township Townline, the School Sections are composed of portions of adjoining Townships ; and the method I propose to provide for them will, I think, be found simple and effectual.

The Twenty-fifth Section provides for County Certificates of Qualification to Teachers, as those of a Township Board of Examiners cannot have force beyond the limits of such Township, and, as many Teachers will feel it an inconvenience to be compelled to get a new Certificate every time they remove from one Township to another. But in the Programme of subjects, which I should recommend for the concurrence of the Provincial Board of Education and the sanction of the Governor General-in-Council, for the guidance of such County Boards, I would provide that none but the first, or highest, class of Certificates should be given by them.

The Twenty-sixth Section provides for the continuance in office of the District Superintendents until the first of March, 1850, and then for the transfer of their School moneys and papers to Township Superintendents. The local School Reports for the current year cannot be prepared before the first of March, 1850 ; and the greatest confusion would arise from their earlier retirement from office.

Should any further information be required on any of the subjects embraced in the annexed Draft of Bill, I shall be happy to furnish it as far as it may be in my power to do so.

Believing that the latest practical information, as to the workings of the Common School System in the State of New York, would be acceptable and useful to those Members of the Honourable the Executive Council, who may take charge of the proposed School Bill, I have procured and herewith transmit to you, for them, copies of the last Official Reports of the Normal and Common Schools of that State.

Egerton Ryerson.

Toronto, 23d of February, 1849.

III. DRAFT OF BILL, MAKING FURTHER PROVISION FOR THE IMPROVEMENT OF THE SYSTEM OF COMMON SCHOOLS IN UPPER CANADA.

Whereas it is expedient to make further provision for the Improvement of the System of Common Schools in Upper Canada :

Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of

* See pages 133-139 of the Seventh Volume of this Documentary History.

Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,—and it is hereby enacted by the authority of the same,—

That the Board of Trustees for each City and Incorporated Town in Upper Canada shall have the same authority to levy and cause to be collected Rate Bills for Common School purposes which the Trustees of Common Schools generally possess, or with which they may be invested by law, anything contained in any Law, or Statute to the contrary notwithstanding.

II. *And be it enacted*, That it shall and may be lawful for the Trustees of any Common School, in addition to the powers with which they are now invested by law, to cause, if they shall judge it expedient, any lawful Rate-Bill to be made annually, or oftener, upon all the inhabitants of their School Section according to the valuation of property, as expressed in the Assessor's Roll, who shall allow any one of the Trustees, or their authorized Collector, to make a copy of such Roll, so far as it may relate to their School Section.

III. *And be it enacted*, That it shall and may be lawful for the Trustees of any School Section to purchase Books, Maps, Globes, Blackboards, and other Apparatus for the use of pupils in their School, and to levy the necessary Rate-Bill, or Rate-Bills, upon the parents of children attending the School, or upon the inhabitants of their School Section, according to the valuation of property, as heretofore provided in this Act, as they may judge expedient, for the payment of the said Books, Maps, Globes, Blackboards, and other Apparatus, and the lawful expenses of collecting the same.

IV. *And be it enacted*, That persons over sixteen years of age, applying for admission into the Common School of the Section in which they shall reside, shall be received into the School, upon the same terms, and under the same regulations as children of the legal school age.

V. *And be it enacted*, That it shall be the duty of the Trustees of each School Section to prepare and read, or cause to be prepared and read, at each Annual School Meeting for their Section, the Annual School Report: which shall include, among other matters required by law, a full account of the Receipts and Expenditure of all School Moneys which have been received and expended in behalf of such Section for any purpose whatsoever during the year then terminating; and, if said account shall not be satisfactory to a majority of the Householders present at such Meeting, then such Householders, or a majority of them, shall appoint one person, as Arbitrator, and the said Trustees shall appoint another, and the two Arbitrators, thus appointed, shall examine said account, and their decision respecting it shall be final: or, if the two Arbitrators thus appointed, shall not be able to agree, they shall have authority to select a third Arbitrator, and the decision of the majority of the three Arbitrators, thus appointed, or selected, shall be final; and such Arbitrators, or a majority of them, shall have authority to collect, or cause to be collected, whatever sum, or sums, may be awarded by them, in the same manner and under the same regulations as those, according to which Trustees are authorized to collect school Rate-Bills: and the sum, or sums, thus collected, after deducting the lawful expenses of collection, shall be paid into the hands of the District School Superintendent, and expended for the Common School purposes of said Section concerned.

VI. *And be it enacted*, That every Trustee of a Common School, who shall be convicted before a Magistrate, on the complaint of any person whatever, of signing a false Report, and every Teacher of a Common School, who shall be convicted, in the same way, of keeping a false Registrar, or making a false Return, with the intent of obtaining a larger sum than the just proportion of School moneys to such Common School, shall, for each offence, forfeit to the Common School Fund of the District, the sum of Five pounds, and shall be liable to be tried and punished for misdemeanor.

VII. *And be it enacted*, That it shall and may be lawful for the Municipal Council of each District in Upper Canada, if it shall think proper, to appoint and provide for the salaries of two District Superintendents of Common Schools, whenever there are more than one hundred and fifty Schools in such District, and to prescribe to each of the Superintendents so appointed the part, or parts, of the District in which they are respectively to perform the duties required of District Superintendents of Common Schools.

VIII. *And be it enacted*, That it shall and may be lawful for each Municipal Council in Upper Canada to appoint a Board of Examiners, not exceeding seven in number, of whom the District Superintendent of Common Schools shall be one, and who shall preside at all Meetings of such Board; and it shall be the duty of the Board of Examiners, (three of whom shall form a quorum for the transaction of business,) to meet, not oftener than four times a year, at such time and place as may be appointed by the District School Superintendent, to examine and give Certificates of Qualification to Candidates for School-teaching, under such Regulations as may be provided, according to law, for conducting such proceedings:

Provided also, that no Teacher in any District, where such a Board of Examiners shall be appointed, shall be considered as a lawfully qualified Teacher who shall not, within twelve

months after the appointment of such Board, have obtained a Certificate of Qualification, signed by the Chairman, under the sanction of the majority of such Board, present at a lawful Meeting of the same :

Provided likewise, that, in no District, where such a Board of Examiners shall be appointed, according to the provisions of this Act, shall it be lawful for any two School Visitors, or for the District Superintendent, without the concurrence of a majority of such Board of Examiners, present at any lawful Meeting thereof, to give a Certificate of Qualification to any Teacher, or Candidate for School teaching :

Provided furthermore, that it shall be lawful for the Municipal Council of any District, in which there are two Superintendents of Common Schools, to appoint two Boards of Examiners for the parts of the District respectively which have been assigned to the respective District Superintendents of Schools.

IX. *And be it enacted*, That it may and shall be lawful for the Municipal Council of any District to authorize the establishment of one, or more, Schools for the education of the children of Coloured People, which School, or Schools, shall be managed in the same manner, and be subject to the same obligations, as the law prescribes for the management of Separate Schools :

Provided nevertheless, that such Schools shall be aided out of the Common School Fund of the District, in proportion to the attendance of pupils at such Schools, as compared with the attendance of pupils at the other Common Schools of such District.

X. *And be it enacted*, That, in case of any dispute arising in a School Section, as to the Site of the School House of such Section, the Municipal Council of the District, in which such Section is situated, shall decide in such manner as it may judge expedient ; as also on the Sites of all School Houses built by means of money raised under the authority of such Municipal Council.

XI. *And be it enacted*, That, so much of the fifth clause of the Thirteenth Section of the Statute of 1846, 9th Victoria, Chapter XX, as prohibits the giving of a Certificate of Qualification for teaching a Common School to any other than a natural born, or naturalized, Subject of Her Majesty, Her Heirs, or Successors, be and is hereby repealed.

XII. *And be it enacted*, That it may and shall be lawful for each District Superintendent of Common Schools, (unless otherwise directed by lawful authority,) to apportion the District School Fund to the several Sections in such District entitled to receive the same, according to the ratio of the average number of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average number of pupils attending the Common Schools of such District.

XIII. *And be it enacted*, That it may and shall be lawful for the Governor-General, by and with the consent of the Executive Council to expend a sum not exceeding Two Thousand pounds (£2,000,) currency, per annum, for the establishment and support of Common School Libraries, under such Regulations as may, from time to time, be prescribed by the Chief Superintendent of Schools, by and with the sanction of the Governor General-in-Council :

Provided, nevertheless, that no aid shall be given towards the establishment and support of any Common School Library without an equal amount being contributed, and expended, from local sources for the same object.

XIV. *And be it enacted*, That it may and shall be lawful for the Governor-General, by and with the consent of the Executive Council, to expend a sum not exceeding Fifty pounds (£50,) per annum, in any one District in Upper Canada, for the holding of a Teacher's Institute, or Institutes, in such District, under such Regulations as may, from time to time, be prescribed by the Chief Superintendent of Schools, by and with the sanction of the Governor General-in-Council.

Provided also, that no such Teachers' Institute shall continue for a period of less than five or more than, ten days.

XV. *And be it enacted*, That it may and shall be lawful for the Board of Education for Upper Canada to expend out of the Legislative Grant for the support of Common Schools, a sum not exceeding One Thousand pounds (£1,000,) per annum, to facilitate the attendance of Candidates for school-teaching at the Normal School for Upper Canada :

Provided always, that the sum thus authorized to be expended and any other sum, or sums, authorized to be expended by this Act, shall not lessen the amount heretofore expended for the support of the Normal, Model and Common Schools in Upper Canada.

XVI. *And be it enacted*, That it may and shall be lawful for the Board of Education for Upper Canada to expend a sum not exceeding Five Hundred pounds, (£500,) per annum, towards the establishment and support of a School of Art and Design for Upper Canada, in connexion with the Normal School, or otherwise, under such regulations as may be adopted by said Board, and approved of by the Governor General-in-Council.

XVII. *And be it enacted*, That it may and shall be lawful for the Chief Superintendent of Schools, by and with the advice and recommendation of the Masters of the Normal Schools for Upper Canada, to give a Certificate of Qualifications, as a Teacher of Common Schools in any District in Upper Canada :

Provided always, that no such Certificate of Qualification shall be given to any person who shall not have been a Student in said Normal School for a period of not less than five months :

And provided also, that every person to whom such Certificate of Qualification is given, shall be entitled to all the privileges and advantages of a legally qualified Teacher in any part of Upper Canada, until his Certificate of Qualification shall have been cancelled.

XVIII. *And be it enacted*, That the same allowance shall be made, in respect to Salaries and Contingent Expenses, for the management of the Education Office for Upper Canada which has been authorized by law in respect to Salaries and Contingent Expenses for the management of the Education Office for Lower Canada.

XIX. *And be it enacted*, That, after the year of our Lord One Thousand Eight Hundred and Forty-Nine, the Trustees of any School Section shall not have authority to collect any rates which they may have levied for the salary of a Teacher, or Teachers, after the expiration of the year for which such rates have been levied ; and such Trustees shall be held personally liable for the payment of any sum, or sums, due to a Teacher or Teachers, which such Trustees have neglected to collect as authorized by law.

XX. *And be it enacted*, That the foregoing Sections of this Act shall have force and effect immediately after the passing thereof ; and that the following Sections of this Act shall have force and effect upon, and after, the first day of January, in the year of our Lord One Thousand Eight Hundred and Fifty, and not before, and not unless a Bill entitled : "An Act to provide by one General Law for the erection of Municipal Corporations, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada" become a law.

XXI. *And be it enacted*, That the Municipal Council of each Township shall be, and is hereby invested, with all the authority and power, and subject to all the obligations, for Common School purposes, within the limits of its jurisdiction, which appertain to each District Council in Upper Canada, under the authority of the Statutes of 1846 and 1847, 9th Victoria, Chapter 20, and 10th and 11th Victoria, Chapter 19.

XXII. *And be it enacted*, That it shall be the duty of each Municipal Council of a Township, or City, or Town, to report to the Chief Superintendent of Schools for Upper Canada the name of every person appointed as Superintendent of Common Schools for such Township, or City, or Town.

XXIII. *And be it enacted*, That each Township Superintendent of Common Schools, shall within the Township, or Townships, for which he may be appointed, possess all the powers and be subject to all the obligations, which appertain by law to each District Superintendent of Common Schools :

Provided always, that each Township Superintendent of Common Schools, shall be entitled to a sum of not less than One pound currency per annum for each School under his charge :

Provided also, that it shall be the duty of each Township Superintendent of Common Schools to visit and examine each School under his charge at least once a quarter, and to deliver a Public discourse, or Lecture, on some subject connected with the objects, or interests, of Common Schools, in each School Section at least once a year :

Provided furthermore, that it shall be the duty of each Township Superintendent to attend such County, or District, School meeting of Township Superintendents, as may be appointed by the Chief Superintendent, from year to year, to confer on matters relating to the interests of Common Schools and the diffusion of useful knowledge in the several Townships of such County, or District.

XXIV. *And be it enacted*, That each Union School Section, composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one School Section, and shall be considered, in respect to Superintendence and taxing for the erection of a School-House, as belonging to the Township in which the School House may be situated ; and the School Fund apportioned to the several parts of such School Section shall be paid into the hands of the Superintendent of Common Schools for the Township to which such School Section is hereby declared, for certain purposes, to appertain.

XXV. *And be it enacted*, That the power conferred by the Eighth Section of this Act, upon Municipal Councils for Counties ; and the Board of Examiners appointed by the Municipal Council of any County, shall have the same authority, and be subject to the same obligations, within the County, for which they may be appointed, as appertain to each Board of Examiners, according to the Eighth Section of this Act :

Provided also, that each Board of Examiners, appointed under the authority of this Act, shall, at any lawful meeting, appoint a Chairman, who shall exercise the same power, in regard

to the objects of such meeting, as the District Superintendent of Common Schools is authorized by the Eighth Section of this Act to exercise :

Provided likewise, that the Municipal Council of the County shall designate the Member who shall call the first meeting of the Board of Examiners.

XXVI. *And be it enacted*, That each District Superintendent of Common Schools who may be in office on the first day of January, One Thousand Eight Hundred and Fifty, shall continue to exercise all the powers, and perform all the duties, which he is now authorized and required by law to perform, until the first day of March of the said year, One Thousand Eight Hundred and Fifty ; on which day he shall deliver into the hands of the Superintendent of Common Schools for each Township within the District of his charge, all Common School papers and moneys (remaining in his hands,) which relate, or have been apportioned, to the Common Schools of such Township ; and, for every refusal, on the part of any District Superintendent of Common Schools, to comply with this provision of this Act, he shall be subject to the forfeiture of twice the amount of the sum, or sums, of money, (exclusive of costs,) which may be involved in his refusal ; and the Superintendent of Common Schools for each Township concerned, is hereby authorized and required to sue any such defaulting District Superintendent of Common Schools, before any of the Courts of law authorized to take cognizance of such cases, and to add the amount collected, after deducting necessary expenses, to the Common School Fund of his Township.

ACKNOWLEDGEMENT OF THE FOREGOING LETTER, WITH DRAFT OF BILL.

I have the honour to acknowledge, the receipt of your communication of the 23rd ultimo, enclosing a Draft of a School Bill for Canada West ; also the last official Reports of the Normal and Common Schools of the State of New York ; and to inform you in reply, that the subject of your Communication will not fail to receive the consideration of His Excellency the Governor General-in-Council.

J. LESLIE, Secretary.

MONTREAL, 3rd of March, 1849.

IV. REMARKS AND RECOMMENDATIONS, WITH A VIEW TO THE INTRODUCTION OF SCHOOL LIBRARIES INTO UPPER CANADA.*

I have the honour to submit to the favourable consideration of the Governor General-in-Council, the following Remarks and Recommendations, with a view to the introduction of School Libraries into Upper Canada, as contemplated by each of the Common School Acts which have been sanctioned by the Legislature.

There can be but one opinion as to the great importance of introducing into each Township of Upper Canada, as soon as possible, a Township Library, with branches for the several School Sections, consisting of a suitable selection of entertaining and instructive Books, in the various departments of Biography, Travels, History, (Ancient and Modern,) Natural Philosophy and History, Agriculture, Literature, Political Economy, Practical Arts and Practical Life.

It is not easy to conceive the vast and salutary influence that would be exerted upon the entire population,—the younger portion especially,—in furnishing useful occupation for leisure hours, in improving the taste and feelings, in elevating and enlarging the views, in prompting to varied and useful enterprize, that would flow from the introduction of such a Fountain of Knowledge and enjoyment in each Township in Upper Canada.

But, in order even to commence such a noble and patriotic undertaking, two things are necessary. The first is, to obtain, and, for the Board of Education, to examine and select the proper Books. The second is, to render such Books easily and cheaply accessible to every part of the Province.

As the Books are not, and cannot be, published in this country, they must, for some time, at least, be obtained from abroad,—from England and from the United States. Arrangements must be made for that purpose, as the ordinary agencies of Book-trade are insufficient.

When in England in 1833, I made an arrangement with certain Booksellers in London, on behalf of the Wesleyan Body in Upper Canada, on the basis of which Books have been obtained from that time to this much below the printed wholesale prices. When in Dublin in 1845, I arranged with the National Board to obtain their Books for Schools in Upper Canada at cost prices,—much below the wholesale prices to the British Public ; and, by means of that arrangement, those excellent Text Books are now sold in Upper Canada about twenty per cent. cheaper than they were three years since. And we now say to each of our Canadian Booksellers, that, if he will agree not to sell those Books at more than two pence currency for every penny sterling that he pays for them, we will give him a Certificate to the National Board of Education in

* In regard to School Libraries in Upper Canada see note on page 92 of this Volume.

Dublin, to obtain them at the reduced price as arranged. By this simple arrangement, private trade is encouraged, at excellent profits, rather than interfered with; and the Books are then sold in Upper Canada at much lower prices than heretofore. The selling prices of the Books are published in the printed Forms and Regulations for Schools, and are uniform in every part of the Province, and known to every Trustee and Teacher. A Canadian House has printed an Edition of most of these Books, (fac similes of the Dublin Edition), at even lower prices than the imported Editions.

Now I propose the adoption of an extension of the same arrangements to procure Books for School Libraries. I propose to make an arrangement with some of the Book Societies in London, (such as the "Society for the Diffusion of Useful Knowledge," and the Cheap Library Publishers in London and Edinburgh, for procuring such of their Books as may be required for School Libraries in Upper Canada, at the lowest prices. I propose to make the same arrangement with the National Board of Education, in Dublin for procuring portions of the Series of Books which they have lately selected and adopted for School Libraries, that we have heretofore made, in order to procure their School Books. And, as but few of the Books composing the School Libraries in the neighbouring States of New York and Massachusetts are of an exclusively local and politically objectionable character, and as the greater part of their School Library Books are as suitable to the youth of Canada as they are to those of the United States, —many of the Books being reprints of English Works and Translations from the French and German.—I propose to make a similar arrangement with School Library, (and perhaps some other) Publishers in New York and Boston, that I have above proposed to make with English Publishers.

According to this arrangement, I hope to secure, at the cheapest rate possible, to the reading youth and people of Canada, the best popular works which emanate from the British and American press. There will thus be a British and American series, with the prices affixed to each, and directions where and how they may be procured,—leaving the local Councils, or Committees, the option of selecting from either series, or from both, at their discretion.

In the Catalogue of these Library Books, I think a characteristic notice of each book should be inserted, (including two, or three, sentences, but, of course, requiring considerable thought, judgment and labour, in the preparation); a Catalogue should be furnished to each local Council, and the Books generally be also brought to the notice of the public in the columns of the *Journal of Education*, and personally, by the Chief Superintendent of Education, during his visits to the various Municipal Districts,—one of such visits I had intended to make during the latter part of the current year.

Should the plan, thus briefly explained, be approved of by the Governor General-in-Council, I propose to devote the next three, or four, months to its accomplishment, by going to the United States and England to make the arrangements suggested, and to select and procure specimen Books for the School Libraries to lay before the Board of Education for Upper Canada for their examination and judgment. My own personal expenses will, I think, in all, including difference of exchange, etcetera, be under £200, and that £250, or £300, will be sufficient to purchase copies of the books required.

It is not likely that many Townships will desire, at least for a time, a Library worth half of £200; but the School Authorities of several Cities and Towns will doubtless soon demand a Library of greater value than that sum represents. The sums mentioned,—in all £450, or £500, —would, of course, be deducted from the first money apportioned for establishing Public School Libraries in Upper Canada.

The Books, thus obtained and approved of by the Board of Education, would be either purchased to increase the Normal School Library, or be disposed of to any of the local Councils, or Committees, establishing Libraries, as part of their apportionment, and thus the only deduction from the Legislative Grant for School Libraries would be the amount of my travelling expenses, —which would be abundantly compensated by the importance and economical advantages of the arrangements which I would be able to effect, and which, in some shape, or form, are of course indispensable to the establishment of School Libraries. I look forward to the day when such Libraries will be increased and enriched by Canadian contributions and publications.

With these remarks, I submit this important subject to the favourable consideration of the Governor General-in-Council; and, should the task which I have proposed, be approved of, I will lose no time in prosecuting it. In the meantime, I would respectfully recommend that John George Hodgins, Esquire, (Senior Clerk in the Education Office, be authorized, by the Governor General-in-Council, to act as Deputy Superintendent of Schools for Upper Canada during my absence,—as I have entire confidence in his integrity, knowledge and ability.

TORONTO, 16th July, 1849. EGERTON RYERSON.

ACKNOWLEDGMENT OF REMARKS AND RECOMMENDATIONS, IN REGARD TO SCHOOL LIBRARIES.

I have the honour, by command of the Governor General to acknowledge the receipt of your letter of the 16th inst., submitting certain remarks and recommendations, with a view to the introduction of School Libraries into Upper Canada ; and to inform you that the subject will receive His Excellency's attention.

J. LESLIE, Secretary.

MONTREAL, 20th of July, 1849.

CHAPTER XIV.

THE ABORTIVE SCHOOL LEGISLATION OF 1849.

From the events which followed, and which were connected with the abortive School Legislation of 1849, I have thought it desirable to give full particulars of that singular episode in our educational history. It was unique in its character, and might have led to a prolonged controversy and consequent injury to our School System, had not the Government of the day taken prompt steps to avoid both.

It is true that the unprecedented course adopted by the Government, of suspending the operation of a Measure which had passed both Houses of the Legislature, without opposition, was strongly criticised, and the constitutional right of the Government to do as it had done, (even when the facts of a case would otherwise seem to justify, if not to warrant it,) were by many parties seriously questioned.

There is no doubt but that the results of the educational crisis of 1849 produced good fruit. It led to a more thorough examination by our public men of the foundation upon which the School System of Upper Canada had been placed, and the fundamental principles incorporated in it, and which characterised its principal provisions. It also led to the enactment of the comprehensive and popular School Law of 1850, which has been always regarded as the Charter of the School System of Upper Canada.

I have already, in Chapter IX, pages 166-167, referred to the spirit and object of the School Bill, as introduced into the House of Assembly, on behalf of the Baldwin Government, by the Honourable Malcolm Cameron, Assistant Commissioner of Public Works. It was assumed by Members of that Government, that Mr. Cameron's Bill was identical with, and a combination of the two Drafts of School Bills, sent by the Chief Superintendent of Education to the Provincial Secretary,—the first, on the 14th of October, 1848,—pages 83-94 of this Volume,—and the second, on the 23rd of February, 1849:—pagess 214-221 also of this Volume. This assumption was proved, however, not to be the case; but that advantage had been taken of the opportunity by Mr. Cameron to substitute a Bill, prepared by a friend of his in the Bathurst District, (hostile to the Chief Superintendent), for the Drafts of Bills sent by the Chief to the Provincial Secretary, and, by that Member of the Baldwin Government, placed in the hands of Mr. Cameron for combination and introduction, as the Government School Bill into the House of Assembly.

Correspondence with Members of the Government and Legislature in regard to the proposed School Legislation of 1849

The Chief Superintendent, not having received any satisfactory information as to what the Government proposed to do with the two Drafts of School Bills sent to it, wrote a private Letter, on the 27th of January, 1849, to the Honourable William H. Merritt, President of the Council, asking for information on the subject. Under date of the 1st of February, Mr. Merritt replied, and stated, that the Municipal Bill, into which the proposed School Legislation was to dovetail, was printed. He added:—

I will request Mr. Cameron, who has the amended School Bill in charge, to send you a copy.

You are aware, that I told you, it was my intention to give my undivided attention to the creation of a Fund for Common Schools; and not until after that was first secured could I give any part of my time to its management. (See page 116 of this Volume.)

Write to Mr. Cameron on the subject of your last Amendment of the School Act . . . as it is of importance that some person should attend to the various applications from your Department, and having the School Bill in charge, he is the proper person to apply to, or to any other Member, who may have leisure within the Executive Council and House. My hands are full, and, if I undertook one tenth of what offers, I should neglect the main point in view.

Montreal, 1st of February, 1849. W. Hamilton Merritt.

The Chief Superintendent, having waited some time for the desired information, in regard to the proposed School Legislation, wrote early in April, 1849, to Mr. Joseph C. Morrison, Member for the second Riding of York, and a Member of the Provincial Board of Education, on the subject. Mr. Morrison's first reply was to the following effect:

I have delayed replying to yours Letter of inquiry, expecting every day to have some definite information from the Government upon the introduction of the amendment to the School Act,—an abstract of which you were kind enough to send me.

I have pressed to know the intention of the Government. I was yesterday confidentially told that, in a day or two, the matter would be arranged, and an outline of the Cameron Bill was shewn to me. I expressed myself very strongly against changing our System of Education every year; and, as to some points of the Bill, I was strongly opposed, and, if they were not struck out, I should certainly oppose the Measure.

I shall write you at once, when the Bill receives the assent of the Members of the Cabinet. It is in charge of Mr. Malcolm Cameron; and I shall get you a printed copy, if possible, before it is delivered to Members. Anticipating the passage of the Municipal Bill, the new School Bill will be introduced.

Montreal, 11th of April, 1849. Joseph C. Morrison.

On the next day, Mr. Morrison wrote as follows:—

Since I wrote you yesterday the most objectionable clause in the School Bill has been struck out. It will be printed in a few days. Notice has not yet been given in the House of its introduction. Before an answer can reach me, I shall be very likely in Toronto. It is my intention, however, to return to Montreal.

Montreal, 12th of April, 1849. Joseph C. Morrison.

A copy of Mr. Cameron's Bill having been obtained, Doctor Ryerson wrote, in "The Story of My Life," about it as follows:—

On examing the Bill I wrote down my objections to it, and laid them before the Government, and proceeded to Montreal to press them in person. I left Montreal in April, 1849, with the expectation that the Bill would be dropped, or essentially mended. Neither was done; the

Bill was passed in the ordinary manner of passing Bills, during the last few hours of the Session; and, within three hours of learning that the Bill was law, I informed the Honourable Mr. Baldwin that my office was at his disposal, for I never would administer that law.*

The following are the objections to the Cameron School Bill submitted to the Government by the Chief Superintendent, and to which he here refers :

I. OBJECTIONS TO THE NEW SCHOOL BILL OF THE HONOURABLE MALCOLM CAMERON.

The following are the topics discussed by the Chief Superintendent of Education in these " Objections " to the Cameron School Bill of 1849 :—

General Remarks on the New School Bill of Mr. Cameron.

1. Inquiries which should precede further legislation on the subject of Common Schools.

2. Spirit of this New School Bill.

3. Difference in the principles of School Legislation between Upper and Lower Canada proposed by this Bill.—Exclusion of the Clergy in Upper Canada from being School Visitors, while they are continued, with extraordinary power, in Lower Canada.

4. This New Bill of Mr. Cameron does away with a Provincial System of Schools.

5. It is also prejudicial to certain great objects of the Normal School.

6. The modes of preparing School Reports proposed by this Bill, tedious, expensive and inefficient.

7. Its Financial provisions render Teachers liable to a loss of twenty-five, to forty, per cent. of the School Fund ; and its provisions to provide for poor Schools are unnecessary and inefficient.

8. The Provisions of the Bill examined in detail, and various defects and anomalies pointed out.

9. Practical remarks and recommendations submitted for the consideration of the Goverment.

When recently in Montreal, (where I arrived on the 29th ultimo,) the Members of the Government were so entirely occupied with matters growing out of the proceedings which have disgraced the City of Montreal, and inflicted irreparable loss upon the Province,† that they were unable to give any deliberate attention to the great interests involved in a School Law for Upper Canada.

In accordance, therefore, with the suggestions of one, or two, Members of the Government, I proceed to submit in writing, for the consideration of the Governor General-in-Council, observations on the School Bill lately brought into the Legislative Assembly by the Honourable Malcolm Cameron,—observations which I should have preferred making personally, had it not been for the humilating events to which I have alluded. I make these observations the more freely because I was informed that some Members of the Government had not even read the School Bill introduced by Mr. Cameron, and because I am persuaded that many of its provisions will not be approved of by His Excellency-in Council, when the real character and operations of them are carefully examined.

General Remarks on the Subject of School Legislation.

Previously to my entering into the details of the Bill, I desire to make some general remarks in regard to Legislation on School matters :

1. My first General Remark is, that, before undoing nearly all that has been done in School Legislation, and subverting our whole system of School operations, I think a Commission, or Committee, of Inquiry, should examine into what has been effected, and what causes have prevented greater success,—whether the provisions of the School Law, or other circumstances, which time and labour alone, and not law, can control. In such inquiries, Educationists and educational statesmen have always had recourse to educational statistics, when attainable. Minute and extensive statistics of Common Schools in Upper Canada, during the two full years of the operations of the present School Act, have been collected, as well as tolerably comprehensive financial statistics of our Common Schools during two, or three, years of the operations of the late Common School Act of 1843, for Upper Canada. Before doing what experience has

*From " The Story of my Life " : by the late Reverend Egerton Ryerson, D. D., LD. D., page 424.

† The burning of the Parliament House and its Library.

shown the introduction of every new general School Law has done in Upper Canada :—throw back the School operations of the Country an entire year,—would it not be proper to examine into our School statistics, and compare them, from year to year, with those of other States, or Countries, where the advancement of Common Schools has confessedly been most rapid ? If such a comparison should result in favour of Upper Canada, in every particular which involves the local voluntary operations of the people, would it sanction the repeal of our present School Law, or suggest the propriety of merely supplying its proved defects ? Yet what I here intimate, hypothetically, I am prepared to establish as fact. And, if it should, furthermore, appear, on inquiry, that those very Municipal Districts, which have made the greatest progress in the character and efficiency of their Schools, in the attendance of pupils and the salaries of Teachers, are averse to any organic changes in the present School Law ; that no less than three District Councils, which in 1847-48 expressed themselves unfavourably in regard to the provisions of the present School Act of 1846, have, in 1848-49, expressed themselves directly the reverse ; that no more than one, or two, District Councils in all Upper Canada have petitioned the Legislature at its present Session for any considerable changes in the School Law ; that the places and parties, where opposition has been made to the law, the least has been done to support Common Schools ; and the object is to do still less by relaxing the existing financial obligations of the law ; and, if it can, likewise, be shown, that the case of every poor School Section has, as far as it has been made known, been provided for, or can be most effectually provided for, under the present law, and that, without deducting a farthing, much less twenty-five per cent., out of the Legislative Grant apportioned for the payment of Teachers, and without establishing a class of pauper Schools in the Country,—if an inquiry into the operations of our School Law should establish what I have here supposed,—and which I am certain would be the case—I am persuaded the Governor General in-Council would not desire to impose upon the people of Upper Canada the trouble, expense, and perplexity of studying and learning to apply a new law, much longer, much more intricate, much more troublesome and expensive to work, than the present law, and also requiring new Forms to carry into effect most of its provisions.

2. My second General Remark is, that the New School Bill has been conceived, and several of its provisions have been undoubtedly drawn up in a spirit of hostility to myself personally. Indeed, the details of the Bill seem to have been prepared with a view of dispensing with the office of Provincial Superintendent ; and, in connection with those details, that Office appears to be a sort of addendum, (though first in order,) to the other provisions of the Bill. I have been informed, upon authority which I cannot doubt, that the Bill has been chiefly draughted by a person who has, for the last three years, been writing in a District newspaper against the present School Law, and against myself,—a person, who, as Chairman of the Education Committee of the Bathurst District Council, has put forth three Council documents reflecting upon myself,—the only Council documents of the kind which have appeared in Upper Canada. It is very natural to suppose that such a gentleman would frame a Bill in harmony with his previous publications. So strong was my impression of the feeling which dictated the framing of this Bill, in its omissions and peculiar provisions, that I supposed it was at least intended to make a change in the Head of the Department, but on being assured at Montreal, that such was not the intention of the Government, and being satisfied that the Members of the Government generally, had no sympathy with, or suspicion of, the feelings which must have suggested several provisions and omissions in the Bill, I have felt it due to the Governor General-in-Council,—due to the Provincial Board of Education, and due to myself, as well as to the people of Upper Canada, to analyze the principal provisions of the Bill,—a Bill widely different, in its general character and objects, from what the reported explanation of them, on its introduction to the Legislative Assembly, would lead the public to suppose.

3. My third General Remark is, on the wide difference in the principles of legislation and of the spirit and character of the School System which this Bill proposes in regard to Upper Canada from that which is pursued in respect to Lower Canada. The newspapers and Superintendent's School Reports for Lower Canada show that much stronger and more extensive opposition has been made to the School Law there than here ;—that much less progress has been made in the School System there than here. But it has not been proposed to repeal the School Law there,—to introduce an entirely new law, involving much new machinery, and requiring new Forms and Regulations for its execution, and, at the same time, that it thus imposes upon the Superintendent a long task of tedious and thankless labour, denuding him of the means by which the experience of other educational Countries as well as Canada, shows, that his labours can be rendered successful, and the practical operation of a General System of Elementary Instruction, matured and perfected. Although the powers of the Superintendent of Schools in Lower Canada are much greater than they are in Upper Canada, the constitution of his Office is not charged, nor the fruits of his past labours destroyed ; but he is aided in his work, by having the defects and uncertainties of the present law remedied by the introduction and passing of a short Bill for amending it. But the School Bill under consideration proposes to treat the Superintendent of Schools for Upper Canada, and his labours in a very different way. I think that any person deemed worthy of being continued in the office of Chief

Superintendent of Schools in one Section of the Province, is justified in expecting the same countenance and support from the Government, as is accorded to his Colleague in the other Section of the Province. This countenance and support I have certainly received up to the present time; and this Bill is the first indication I have received of a different course of policy,—which I am confident was not contemplated by the Governor General-in-Council.

This Bill declares that there shall be no School Visitors.

It is worthy of special remark, that by the provisions of this Bill, the Clergy of various Religious Persuasions, as well as District Councillors and Magistrates, in Upper Canada, are denuded of the office of School Visitors,—while the same description of persons, and others also, are retained as School Visitors in Lower Canada; and there the Clergy have also even the powers of selecting the Religious Books used by the pupils of their own Persuasion. So essential a difference in the principles of school legislation for the two sections of Canada, must appear extraordinary to every impartial observer;—that, in Lower Canada, where the Roman Catholic Religion is predominant, the Clergy are invested with so great power, while, in Upper Canada, where the Protestant Religion is more generally prevalent, the Clergy, as such, should be excluded from even visiting the Schools at all. I am satisfied that the Governor General-in-Council could not have been aware of so invidious an omission in this Bill. If the School Visitors' Section of the present School Law for Upper Canada is a dead letter,—as the reputed Author of the new Bill has often asserted in the public papers, then it can do no harm. If, on the other hand, this Section of the present law has not proved a dead letter, if it has been the means of often bringing Clergymen of different Religious Persuasions into friendly personal intercourse with each other, and of increasing a catholic spirit of Christian charity in whole neighborhoods, and of combining the influence of the Clergy, Magistrates and others in connection with that of parents and children immediately concerned, in behalf of the interests of Common Schools, and, if not a single instance can be adduced that this Section of the Act has operated injuriously, why should it be repealed? I can imagine no other reason for such a proposition than the hostility of the reputed Author of the new Bill to the more numerous Religious Persuasions in Upper Canada. It appears by the statistical School Returns for 1847 and 1848, that there were School Visits of Clergy in 1847, 1,823—in 1848, 959; of Magistrates in 1847, 1,203—in 1848, 1,459. I submit then, that no candid, enlightened friend of general education could wish a Section of the School Law repealed which has developed in the course of the first two years of its operations so powerful a hitherto dormant influence in behalf of the Common Schools.

This Bill makes no Provision for a General System of School Regulations.

4. I remark in the fourth place, that this Bill makes no provision whatever for carrying into effect any General System of Regulations for Common Schools, although it recognizes the necessity of such Regulations and such a System. By one provision of the third Section, of the Bill the Chief Superintendent is required "to see that all moneys apportioned by him under the authority of this Act be applied to the purposes for which they shall have been granted." This provision admits and assumes the necessity of some General Governmental oversight, in order to secure the fulfillment of all the conditions of the Legislative enactment in the application of school moneys. But, when we come to examine the provisions of the Bill for the carrying out of this principle, we find them not only wanting, but contravened by all the details of the Bill, which do not enable the Chief Superintendent even to learn anything of, much less decide upon, the local application of School Moneys in any case whatever, and which places the absolute distribution and application of all such moneys, not in the hands of responsible individual Officers, (as is the case in other Departments of Government) but with elective Bodies, each Member of which, (like each Member of the Legislative Assembly,) is concerned to get as much money as possible for the School Section that he represents, whatever may become of the other School Sections; and he, whose tact and vigilance will enable him to secure most for his own constituents, will be most applauded by them, whether from a Relief, or any other, Fund, without any regard to the wants of other constituencies. The members of such elective Bodies, as representatives of different constituencies are interested parties in all such acts, and cannot, therefore, be impartial. The impartiality and responsibility of a Judge, in such administrative acts, requires, I think, a different method of executing the financial provisions of the School Law from that which is proposed in this Bill. And I am the more confirmed in this opinion by the provisions of the School Laws in every State in America, in which a State Officer is not the responsible authority to decide upon, and guard, the faithful application of State appropriations. But my object is not to establish a theory; it is to call attention to the fact, that the details of this Bill contradict and oppose, throughout, the admitted principle and required duty, that the Chief Superintendent shall "see that all moneys apportioned by him, under the authority of this Act shall be applied to the purposes for which they shall have been granted."

A Number of Important Omissions in the Executive Provisions of the Bill.

On this point I desire to remark further, that this Bill requires the Chief Superintendent of Schools to make Forms and Regulations for conducting all the operations of Common Schools,—thus admitting the necessity of some General Regulations; but the Bill provides no means whatever for securing the observance of these Regulations, or the fulfillment of any of the conditions, which they might involve. No provision, whatever, is made, by which the Chief Superintendent can even ascertain whether, or not, any one of these Regulations is observed in a single Township, or School Section, in Upper Canada. No provision is made to enable him to learn the name of the Township Superintendent of Common Schools; nor is any Township Superintendent required to answer any inquiries which the Chief Superintendent may make, much less to comply with, or enforce, any of his Decisions, Instructions, or Regulations.

Powers of the Provincial Board of Education Unwisely Curtailed.

5. I remark fifthly, that the provisions of this Bill are equally at variance with another important object of a Provincial System of Common Schools, as it denudes the Provincial Board of Education of its authority to recommend School Text books, and places that authority in a great number of Local Boards, having no common Standard of action. The Legislature of the State of New York wisely placed the management of the State Normal School in the hands of the same Body which was invested by law with authority to recommend Books to be used in the Libraries of the Common Schools. This example has been followed in Upper Canada. One object of the Provincial Normal School is, not only to train Teachers in the best methods of teaching certain subjects, but also to familiarize them with the character and best modes of teaching certain Text Books, and make a corresponding classification of pupils in their Schools: and also to acquaint Teachers with the general character of Books, which may be recommended for Common School Libraries, and the best means of introducing them into neighbourhoods. The provisions of this Bill set aside these important and collateral objects of the Normal School,—do away with an already widely introduced series of Provincial School Text Books,—prevent any Provincial Publisher from printing a School Text book, as he can have no assurance of its general use,—and fill up the Schools with the Books imported and praised by itinerant vendors, as the Local Boards cannot command the means and facilities of acquainting themselves with the foreign Book market, and procuring various Books, and, by examination and comparison, select the best and cheapest for their Schools. I would also submit, whether the proceedings of the Provincial Board of Education have not, thus far, been most salutary, as well as successful, in regard both to the character and the prices of the Text Books now used in nearly two-thirds of the Common Schools in Upper Canada, and that, in a period of less than three years. I cannot conceive any sufficient reason for putting an end to such a course of usefulness, and blasting its anticipated fruits, by setting aside the Provincial Board of Education, and creating a number of Local Boards, which are not in a situation to ascertain the cheapest and best Books, much less to negotiate and devise means for making them accessible to the Schools, at the lowest prices. On the eve of providing for School Libraries and other improvements in the facilities of general knowledge, I can conceive many reasons for enlarging the number of Members, and for increasing the powers and importance of the Provincial Board, or Council of Education, but not one for abolishing it.

Inefficient System of preparing School Reports and Collecting Statistics.

6. Another general remark is, that the mode of preparing School Reports provided for by this Bill is inefficient, laborious and expensive, beyond all precedent. It requires two copies of each Trustees' Report to be made,—the one to be posted up in the School Section, and the other to be sent to the Township Superintendent; it then requires two copies of the Township Superintendent's Report to be made,—the one to be laid before his Township Council, and the other to be transmitted to the County Clerk: it then requires the County Municipal Councils to prepare and transmit a County School Report to the Provincial Superintendent. Thus, in a matter which local parties regard as most irksome, and which they perform with the greatest reluctance, their work is doubled; duplicate reports being required of both Trustees and Township Superintendents. Then, the Township Superintendent is required to forward a copy of his Annual Report to the County Clerk,—which is quite as much trouble as to transmit it to the Provincial Superintendent. After this, the County Clerk, (as it may be supposed,) must prepare and transmit to the Provincial Superintendent a County School Report, compiled from the Reports of the several Townships in his County. That Officer, as a general rule, knows nothing about preparing such Reports,—has no interest, or obligation, in respect to their completeness, is under no obligation to write and get the defects of any Local Reports supplied, should he perceive them. Now, it is to this County Council alone, which will probably meet once or twice a year for a few days, or at most to the County Clerk,—a person not practically connected with Schools, or conversant with their operations,—that the Chief Superintendent is

to look to for all his information in regard to the expenditure of school-moneys, and the operations of the School-Law in the various Townships and localities in Upper Canada. The contemplated County Councils cannot command all the information on local school matters, which the present District Councils possess ; yet, were the Chief Superintendent left to depend on that source alone for local Reports, and local information, on school matters, his knowledge of the conditions of Schools, and of the workings of the School System would be very vague and utterly insufficient to enable him to devise and suggest appropriate means for improving the various local interests of these Schools. I, therefore, submit, whether, instead of preparing School Reports and procuring school information, so onerous and imperfect, it would not be much easier, and more effective, for the Trustees, who are required to prepare their Report before their Annual School Meeting, to read it to their constituents, at such Meeting, thereby adding to its interest and importance, and thus securing a larger attendance, and then transmit such Report to the Township Superintendent, who should report direct to the Chief Superintendent, in the same manner that the District School Superintendents do now.

According to this method of preparing and transmitting Annual School Reports, there is no doubt, or superfluous labour, or expense. The Chief Superintendent will receive, from year to year, what every Head of a Department should possess, in order to ascertain the working of every part of the machinery of the System, and thus improve and perfect it, as far, and as fast, as possible,—a Report of the state of each School in Upper Canada, and the annual observations of the Superintendent of each Township on everything connected with the progress and interest of Common Schools within his jurisdiction. If any such Report were defective, the Chief Superintendent could do, as he has done, write to the Superintendent concerned, and have the defect corrected, or supplied ; and, if any Township Council, or School Section, should fail to comply with the provisions of the law, the apportionment of School Moneys would be withheld from such Township, or Section.

But the new Bill, while it limits the Chief Superintendent to the County Council, or County Clerk, for local School Reports and local School information, it requires the withholding of the School apportionment from any County, the School Report of whose County Council is not forwarded, or is not satisfactory. This is the only means placed in the hands of the Chief Superintendent to secure the execution of the whole School Law. But a moment's examination will show the injustice and evil that would result from executing this provision of the Bill. Should any Township Superintendent fail to report to the County Council, or should the Report of any Township be essentially defective, the School Report of the County Council, (even supposing it had time, and were able and disposed to prepare such a Report,) could not be satisfactory, in consequence of which every Township in that County would be liable to lose its apportionment, as the Bill does not authorize the Chief Superintendent to apportion School money to, or withhold it from, Townships, but Counties. Or, suppose a County Council was not to meet between the time of making the Township School Reports, and that required for forwarding the County School Reports, and making the Annual Apportionment of School moneys ; or, suppose the County Clerk should neglect, or fail, to prepare and transmit the County School Report within the period referred to, then every Township in such County would be deprived of its apportionment of School money, although every Township may have itself fully complied with the provisions of the Law. It is perfectly clear, therefore, that such a provision of the Bill would be nugatory, or that the execution of it would be unjust and injurious, unless in the utterly improbable case of *all* the Townships of a County having severally forfeited their right to the School apportionment.

Financial loss to School Teachers under this Bill.

7. I remark once more on the general provisions of the Bill, that, under their operations, Teachers will be liable to the loss of from twenty-five to forty per cent of the School Fund intended for their support. This Bill provides that the School apportionment to each County shall be paid to the County Treasurer ; and such Treasurer is usually entitled to four per cent of all moneys which pass through his hands. In the next place the County Council is authorized to deduct twenty-five per cent. of the whole apportionment, to form a fund under its own control for "such School Sections as may not, without special assistance, be able to establish and maintain Schools ;" and, it is very well known, that such a Municipal Body is anxious to acquire the control of all the money which it can obtain ; and each County Council will be urged to abstract as large a portion of the School apportionment as possible, by those Members who hope, by that means, to enhance the appropriations to the Townships which they represent. The amount thus abstracted from the School Apportionment will not only reduce the amount distributed to each Township, but reduce, in the same ratio, the amount which each Township is obliged to raise by assessment. Then, it is furthermore provided, that the salary of the Township Superintendent may be provided for by paying him a per centage of the moneys passing through his hands. Thus the percentage of the County Treasurer, the percentage for poor School Sections, and the per centage for the Township Superintendent's salary, may all be

deducted from the School Fund,—thus reducing, in a corresponding ratio, the amount paid for the salaries of Teachers. Now the present law provides that the whole of the School Fund,—that is, the Legislative Grant, and a sum equal to it, raised by assessment, must be paid to Teachers ; so that the salaries of Superintendents and all other contingent expenses attending the collection and payment of School moneys, must be provided for over and above the amount equal to the Legislative Grant apportioned to any Township, or District. Thus the School Fund is not taxed, or lessened, a sixpence by the entire local administration of the School Law.

The Case of "Poor Schools" under the new and the old Law.

It is also to be remarked, that to select "such School Sections as may not without special assistance be able to establish and maintain Schools," requires the most minute knowledge of the circumstances and character of the great majority of the people in all the Sections concerned,—a knowledge which five Councillors in each Township may be supposed to possess in a five-fold greater degree than one, and, therefore, the Township Council may be fairly considered five times as competent to decide on such delicate and difficult matters of individual and social wants within its own jurisprudence, as a County Council. Nor, is there any provision in the Bill to enable a County Council to know even the School Section divisions of a Township ; and it cannot be supposed that the Town reeve can recollect them all, and be intimately conversant with the peculiarities of each.

The Thirty-Sixth Section of the present Act authorizes the expenditure of £200 per annum in aid of Schools in new Townships not otherwise provided for. Not one half of this sum has been expended, or applied for, in any one year. In my Communication to the Provincial Secretary of the 14th of October last,* I showed how other poor School Sections had been provided for ; and, should any further means, for that purpose, be desired, at the discretion of each Municipal Council, such Council has ample power to provide them. The School Act authorizes any Council to raise as large an amount as it pleases for Common School purposes. I have never insisted, upon a larger sum, for the Common School Fund, in each District, or Township, than that apportioned out of the Legislative Grant, and its equivalent assessment. Any sum over and above that amount of assessment which a Council may think proper to raise, may, (as has been done by some Councils,) be applied in such a manner to the relief of any otherwise unprovided for poor School Sections within its jurisprudence, at the pleasure of each Council. Each Council has also authority to alter, enlarge, or unite, School Sections at its discretion ; the Municipal Corporations' Bill provides for uniting thinly settled Townships with more populous Townships ; and, thus may the wants of every poor School Section be supplied, without deducting any thing from the "School Fund," and without creating any distinct class of pauper Sections, or placing them under any other Regulations that those which apply to School Sections generally.

Criticism on the details of the Cameron School Bill of 1849.

Having made these general remarks on the provisions of the new School Bill, I will now advert to some of its provisions in detail . . .

Toronto, 12th of May, 1849. Egerton Ryerson.

The nature of the criticism, in detail, on the Seventy-Seven Sections included in the Cameron School Bill of 1849, may be gathered from the foregoing remarks on the Bill itself, by the Chief Superintendent of Education. I shall not, therefore, reproduce them here. They can be seen in the "Return" printed in Appendix N of the Journals of the House of Assembly for the year 1850.

Acknowledgment of the Foregoing Criticism on the Cameron School Bill of 1849.

I have the honour, by Command of the Governor General, to acknowledge the receipt of your remarks on the new [Cameron] School Bill and to inform you, that the subject will receive His Excellency's attention.

Montreal, 14th of May, 1849. J. Leslie, Secretary.

II. THE CHIEF SUPERINTENDENT TO ATTORNEY GENERAL BALDWIN.

Having seen the Honourable Attorney General Baldwin, early in July, 1849, in regard to the objectionable Cameron School Bill, which had been passed by the Legislature and assented to by Lord Elgin, the Governor General, on the 30th

* Printed on pages 83-94 of this Volume.

of May, Mr. Baldwin requested the Chief Superintendent to put his objections to the Bill, as passed, in writing, and address the Letter to him. He would then be able to confer with his Collegues on the subject, and thus be the better able to decide as to what was desirable to do in the matter, under the circumstances. This the Chief did, and addressed the following Letter to the Honourable Robert Baldwin in regard to the Bill, on the 14th of July, 1849:—

III. PREFATORY PRIVATE NOTE TO THE HONOURABLE, ATTORNEY GENERAL BALDWIN, ENCLOSING REMARKS ON THE CHARACTER OF THE CAMERON SCHOOL ACT OF 1849.

I, this day, transmit to you, by Express, my promised Remarks on the principles and provisions of the new (Cameron) School Act of 1849.

For a full exposition of the existing law, and of the improvements which I have proposed, and the reasons for them, I refer you to my Official Communications to the Provincial Secretary on the subject—the one dated the 14th of last October* and the other the 23rd of February.

Although my remarks have extended to a great length, I could not well reduce them to narrower dimensions and give you a clear exposition of the questions referred to, and my reasons for the views I entertain, as well as the course which I shall deem it my duty to pursue in the event of the new School Bill becoming the established law of the Land.

I have thought it my duty to express my sentiments and feelings unreservedly and fully. I have prepared my Remarks in the form of an Official Communication. If, after examination and deliberation, you should concur in the general views which I have expressed, and feel it your duty to employ your official influence to maintain the great principles and features of the present Common School System, I desire my Communication to be considered as private to yourself. But if you should arrive at a different conclusion, and determine upon the maintenance of the new Bill as the basis of our future Common School System, I hope you will not object to my Communication being considered as official, and proper to be officially referred to hereafter, as containing a statement of the reasons for my retirement from office. Of course I shall be desirous, both on personal and public grounds, to know the result of your deliberations as soon as it will be convenient for you to state them.

Should you conclude to advise the suspension of the new (Cameron) School Bill until the next Session of the Legislature, or that Her Majesty should disallow it, I see no difficulty, or inconvenience, in the working of the present Act until the meeting of the Legislature, as all the Schools are supplied with Forms and copies of the Acts of 1846 and 1847. I am persuaded that great confusion will attend the introduction of a new School and Municipal System at one and the same time.

When, in obedience to the commands of Lord Cathcart, I prepared the Draft of a School Bill and exposition of its principles and provisions in March, 1846,‡ Mr. Draper, (then Attorney-General,) examined the Measure, and carried it through the Legislature. I think if you had taken the subject in hand, the result would have been different. I can certainly see no identity, or analogy, between the qualifications of a Board of Works Commissioner [Mr. Cameron] and a School Legislator. I hope you will feel it your duty to turn your attention to this great question of moral, intellectual, municipal and social economy, and assume the charge of it. In the order of Providence, the highest and most lasting intellectual and moral interests of Upper Canada appear to be placed in your hands.

In the meantime, after mature deliberation, I have thought it, upon the whole, advisable to prosecute my contemplated work, (as far as I may be enabled,) for the next few months, as if no change in the School System had been intended. I will, therefore, as soon as I can, reduce to an official form and transmit for the consideration of the Governor-General, in Council, the proposal and Measure I explained to you for the purpose of procuring and preparing the way for the introduction of Common School Libraries into the various Townships.§

In the Index to the volume of the *Journal of Education* for 1849 I have enclosed to you, you can ascertain the expositions which have been given of every part of our present Common School System.

The printing of my two last Annual School Reports has been completed since I was in Montreal, and they are in the hands of Mr. Lindsay, the Clerk of the House of Assembly. I

* Printed on pages 83-94 of this Volume. † Also printed on pages 214-221 of this Volume.
‡ Printed on pages 71-78 of the Sixth Volume of this Documentary History.
§ See Letter on this subject to the Provincial Secretary on pages 221, 222 of this Volume.

refer you to my Report for 1847* for an exposition of the practical principles and working of the present system, and to my Report for 1848,† not merely for an illustration of the progress of the work, but for the opinions of the Superintendents of several District as to the sentiments of intelligent people on the general provisions of the present law, especially those of the Niagara, Talbot and Brock Districts‡,—each of them a decided supporter of the present Administration.

I understand that painful feelings are experienced by the Members of the Niagara District Reform Deputation who went to Montreal to present to Lord Elgin, in the former part of May, an Address of approval of his Administration, as they say that Members of Government gave them an assurance that the (Cameron) School Bill, then before the House, would not be proceeded with during the Session. But I have done on this subject. It is now for you to decide and act, and for Divine Providence to direct.

TORONTO, 14th July, 1849. EGERTON RYERSON.

IV. LETTER ADDRESSED TO THE HONOURABLE ATTORNEY-GENERAL, ROBERT BALDWIN, ON THE CHARACTER AND TENDENCY OF THE NEW (CAMERON) SCHOOL ACT FOR UPPER CANADA, (12 VICTORIA, CHAPTER 83.)

In accordance with the wishes which you expressed when I saw you the week before last in Montreal, I proceed to state in writing, for your consideration and that of your Colleagues, so far as you may think proper to lay this Letter before them, circumstances connected with the new School Bill for Upper Canada, and the position in which it places the interests of our Common Schools.

PRELIMINARY PERSONAL REMARKS BY THE CHIEF SUPERINTENDENT OF EDUCATION.

I shall, in the first place, make a few remarks of a personal character, on the manner in which I have been treated in connection with this Bill, and the School Law of Upper Canada. Lest, however, I should in any manner be misapprehended, I beg to state distinctly, that from yourself and Mr. W. H. Merritt and Mr. F. Hincks, I have received all the courtesy which is due from one gentleman to another; and I do not believe, that either one of you has intended, or desired, that I should be treated in any way differently from the Chief Superintendent of Schools for Lower Canada.

I have had chiefly to do with the Inspector General's Department, (Mr. Hincks,) and I will here say, what I have stated on various occasions and before different parties, that I have found it a real pleasure to transact official business with Mr. Hincks, (as well as with his Deputy,) from his courtesy, promptness, ready and clear apprehensions of the various financial matters which it has been my duty, from time to time, to bring before him by personal interviews.

Mr. Merritt has invariably treated me in a manner equally respectful and considerate; and I should do injustice to my own feelings, did I not acknowledge the same treatment on your part, in the several interviews I have had with you on matters connected with my Department. When in Montreal the last week in April, I was assured by Messieurs Merritt and Hincks, that it was not the wish of the Government to interfere with my position, or duties. After this spontaneous and apparently cordial assurance on the part of the President of the Council (Mr. Merritt), and the Inspector General (Mr. Hincks,) I felt that, in future, at least, equal justice would be done to the Education Department of Upper with that of Lower Canada; and I then expressed my readiness, in accordance with the suggestions of Messieurs Merritt and Hincks, to submit to the Government Remarks and Suggestions on the then pending School Bill for Upper Canada.

The Communication, of the 12th of May last, was the result.§ But it is painful to remark that that Communication was not even read,—though it related to a most important Measure then before the Legislature, and to a subject involving the vital interests of the Country, and to which I had devoted much attention for nearly twenty-five years, and my special attention almost exclusively for the last four years, and a subject affecting interests, on which I was at least entitled to a hearing. I think I am justified in saying that my Communication was not read; for you have assured me that you had not seen it; Mr. Merritt told me his engagements were such that he could not enter into the subject; Mr. Hincks had left for England, before the question was decided; and Mr. Cameron, who introduced and carried through the new School Bill, told the Reverend H. J. Grasett, (Rector of St. James' Cathedral, Toronto, and a Member of the Provincial Board of Education,) two days after the passing of the Bill through Committee, that he (Mr. Cameron) had not read my Communication respecting it.

*This Report will be found on pages 149-187 of the Seventh Volume of this Documentary History.
†The Report for 1848 is printed on pages 95-109 of this Volume.
‡These opinions are given on pages 97, 98 of this Volume.
§This Communication is printed on pages 225-230 of this Volume.

REGRET EXPRESSED THAT THE ATTORNEY GENERAL HAD NOT ALSO DEALT WITH THIS SUBJECT.

I think it is greatly to be regretted, Sir, that you have not felt it as much your duty to give your attention to the subject of legislating on Common School, as well as on University, Education. I do not believe you would knowingly be a party to that of which I have reason to complain ; and I am confident you would not allow yourself to be uninformed on so grave a subject of legislation, or be influenced by personal hostility, or become the instrument of petty intrigue. I think the Public System of Education should be one, from the Common School up to the University, such as I have explained in my " Report on a System of Public Elementary Instruction for Upper Canada," (pages 9, 153, 154)* ; and when you have felt it your duty to assume the responsibility of the one, I do not see how you can consistently feel yourself relieved of all obligation to attend to the other. But I desire now to refer to the comparative treatment of myself and my Department on this subject.

1. I remark, first, that the Report of the Chief Superintendent of Schools for Lower Canada on the subject of the School Law, as well as the state of the Schools, was laid before the Legislature and the Public, while my Report on the same subject was withheld from both. Is this impartial ? Is this fair ? In Doctor Meilleur's Report for the year 1847, he connected his Report on the School Law with that on Schools. To the former subject he devoted upwards of eighty printed pages,—discussing not only the principles of the law, but the various plans and proceedings of parties opposed to it ; and he did so, in some parts of his Report, with considerable acrimony,—pronouncing upon the merits and motives of the opponents of the law. His Report was not only laid before the Legislature, but printed in pamphlet form. I kept the two subjects separate. I made one Report on the State and Progress of the Schools established under the law ; I submitted another Report on the School Law itself,—explaining and illustrating, by precedents and examples, the parts to which exception had been taken, and suggesting amendments. I transmitted my Reports on both subjects to the Provincial Secretary in October last. Doctor Meilleur's Remarks and Suggestions for the amendment of the School Law of Lower Canada were in print, and in hands of Members of the Legislature and the Public, months before the late Session of the Provincial Parliament, while my Remarks and Suggestions for the amendment of the School Law of Upper Canada have been kept from the Legislature and the Public until this day.

I submit to your own sense of justice whether this is treating the School Departments of Upper and Lower Canada with equal fairness and impartiality ? I submit whether such a course of proceeding is just to me, or to the friends of the present School System in Upper Canada ? I submit also, whether it is not taking an unfair advantage of me to my injury, and the injury of the School System which I have laboured to establish ?

TREATMENT OF THE CHIEF SUPERINTENDENTS IN UPPER AND LOWER CANADA CONTRASTED.

I remark, secondly, that the School Law of Lower Canada was introduced and passed under the auspices of the late Administration, that Doctor Meilleur submitted Remarks and a Draft of Bill to remedy the defects in some of its details, maintaining the general principles of it inviolate. This amended Bill increases the already great powers of the Lower Canada Superintendent, and affords him various facilities for carrying out his system of Schools. The subject is formally introduced into the Speech from the Throne at the opening of the Session, and the amended Bill, recommended by Doctor Meilleur, is adopted by the Legislature, and is now part of the School Law of Lower Canada. In Upper Canada, the present School Acts of 1846 and 1847 were introduced and passed under the auspices of the late Administration.

PERSONAL TREATMENT OF THE CHIEF SUPERINTENDENT OF SCHOOLS FOR UPPER CANADA.

I also submitted to the present Government Remarks and a Draft of Bill to remedy the defects of our School Law ; and, on the introduction of the new Municipal Bill, I submitted further Remarks and some additional Clauses to adapt the School System to the contemplated Municipal System.† But no allusion was made to the subject in the Speech from the Throne, at the opening of the Session. Some weeks after the opening of the Session, legislating on the subject at all was stated by yourself as a matter of uncertainty. At length, towards the close of the Session, a Bill is brought in by Mr. Malcolm Cameron, not to amend the existing law, but to repeal it, to abolish all that had been done, and to introduce into Upper Canada an essentially new School System. Of the introduction of such a Measure, no previous notice had been given ; and not only had my Remarks and Suggestions on the subject of the School Law for Upper Canada been withheld from the Members of the Legislature, but I am not even permitted to see, much less to confer, on the provisions of the new Bill until it is brought before the

*This " foundation " Report is presented in full on pages 140-211 of the Sixth Volume of this Documentary History. Those portions of the Report to which Doctor Ryerson refers, will be found on pages 142 and 197-198 of that Volume.

† These Remarks and Drafts of Bills will be found on pages 83-94,—and of the present Volume.

Legislature as a Government Measure, and then, when, in the last week in April, at the request of the Board of Education, I proceeded to Montreal, in reference to some provisions of this Bill affecting the Normal School, the Member of the Government to whom this Bill is intrusted, refuses even to return my salutation when I met him. I informed yourself, and Messieurs Merritt and Hincks, of this insult; and, relying upon the justice and the fairness of the Government, as avowed by yourself, I prepared the Remarks and Suggestions, dated 12th May, 1849, on the subject of the new Bill.* Those Remarks and Suggestions, as I have already stated, were not even read,—the provision for the Normal School the current year, which had been decided upon by the Government as early as last November, the omission of which I had at at the request of the Board of Education pointed out, was not supplied; but certain clauses were introduced into the Bill, in Committee, at the last and confused hours of the Session, and without any previous notice whatever, affecting the whole character of my Department, my personal responsibilities and duties, to my embarrassment and injury.† I confidently leave it to your own high sense of honour and justice to say, whether such a proceeding is such as would have been adopted in regard to the Superintendent of Schools for Lower Canada,—whether it is fair to me, —whether it is above-board,—and whether it is not undignified and unjust between man and man.

3 I remark, thirdly, upon the difference in legislation in reference to the Departments of Common Schools for Upper and Lower Canada on financial matters. . . According to the division of the £50,000 Grant, based upon the last census, which I submitted to the Government last autumn, and which, after examining my figures and calculations, was concurred in and recommended by the Inspector General, I am entitled by law to a salary of £480 per annum. The new Cameron School Bill reduces it to £420—the amount I have received during the last three years. As to the amount of my salary itself I have nothing to say. I have undertaken the duties of the office as a great public trust, for the welfare of my native Country; and, while I am provided with the needful means of doing so,—whether much, or little,—I feel myself bound to prosecute the vast work I have commenced, as long as I can do it consistently with personal honour and Christian principles. But, I refer to the manner in which the question of my salary has been dealt with, as one indication of the animus of this Bill.

I think it also worthy of notice, that the salary of the senior Clerk in the Education Office for Upper Canada is £175 per annum, and that of the junior clerk is £60; but the new amended School Act for Lower Canada increases the salary of the senior Clerk in the Education Office for that section of the Province from £165 to £225 per annum, and that of the junior clerk from £60 to £175; while no increase of Salary is given to the Officer in my Department. I leave the last two Annual Reports which have emanated from the two Education Offices to show in which of them the most work is done.

Mode of dealing with "the Opposition" in regard to the Cameron School Bill.

The Cameron School Bill passing without any opposition, reminds me of the course which I felt it my duty to pursue, on the subject in my intercourse with the Members of the Legislature, during the week that I was in Montreal. I was asked, among other questions, by several Members of the Opposition what was my opinion on the Bill? My reply was that, I thought it would need some amendments; but I indicated no objections to the Bill as such; and I observed that the uniform impression was, that I was, as a matter of course, a party to the preparation of that Bill; and I am credibly informed that Mr. Cameron stated to a leading Member of the Opposition, that he (Mr. Cameron) had "adopted my Suggestions" in reference to the Bill. At that moment of excitement,‡ I dare say, certain Members of the Opposition would have been glad to have obtained materials for a speech against the Measure; but I felt myself in honour bound to confine my remarks, on the general character and provisions of the Bill, to Members of the Government. The only Member of the Legislature, besides yourself, Mr. Merritt and Mr. Hincks, with whom I conferred on the provisions of the Bill, (and of that I informed Mr. Merritt at the time,) was Mr. Joseph C. Morrison, M.P. for the Second Riding of York, with whom I had acted as a Member of the Board of Education for nearly three years; with whom I had often conferred on the subject of the School Law, and who was known to be a decided supporter of the Government. I am informed that it is the general impression in the Country that I have not only concurred, but assisted in the preparation of the Cameron Bill,—though I was not even granted an opportunity to express my views personally on its provisions; and although the clauses which affect me most were, (without any previous notice, as is always given in the British Parliament,) introduced in Committee at the very heel of the Session, and could not have been understood by perhaps ten Members, since the whole Bill of thirty-one pages was passed through the House of Assembly in less than two hours.

* Printed on pages 225-230 of this Volume.

† Notably the 61st, 62nd and 63rd Sections of the Bill, pages 181, 182 of this Volume.

‡ In consequence of the burning of the Parliament House in April, 1849.

PROVISIONS OF THE CAMERON BILL HAVING A PERSONAL, OR GENERAL, APPLICATION.

From the mere mode of proceeding relative to myself personally on the whole subject of my Department, I proceed to notice some of the provisions of the Bill, having either a personal, or general, application. I will only mention them here with an observation or two,—referring you to my Communication of the 12th of May last, for furthur explanatory remarks respecting their character and tendency.*

1. According to the Cameron Bill, the present School Trustee Corporations cease to exist on the first of next January, without any provision whatever being made to perpetuate the obligations contracted by them, or to secure any parties having claims against the Trustees at that time. I understand that it has lately been decided by one of the Courts, that Trustees are not personally responsible for any of the engagements which they make as a Corporation. The effect, therefore, of abolishing the present School Corporations, without providing for the fulfilment of contracts made by them, will be to inflict upon poor School Teachers the loss of several thousand pounds of their hard earnings. The experience of past years shows that Teachers do not, on an average, receive more than one-half, sometimes less, of their salaries by the 31st of December of each year. It cannot be supposed that it will be much better the present year, though I have, through the *Journal of Education*, drawn the attention of all parties concerned to it. The losses and difficulties experienced on former occasions, under similar circumstances, constitute the most painful epochs in the Educational System of Upper Canada.

2. Under the operation of the new Cameron Bill, (as I have shown in my Communication of the 12th of May last,)* Teachers will be liable, even though the County Treasurers be allowed no percentage, to a deduction of more than one-fourth of the present amount of the Common School Fund paid to them. This is one of the several discouraging features which this Bill presents to Common School Teachers.

3. The new Bill gives Trustees less powers and imposes upon them greater obligations and duties than those given and imposed by the present School Law, and thus increases the uncertainty and difficulties connected with the payment of Teachers' salaries. It has been my endeavour, from the beginning, to increase the powers, and render more simple and easy the duties of Trustees, and more certain and prompt the payment of Teachers' salaries, as is evinced in each of my three and unpublished Reports, or Communications, sent by me to the Provincial Secretary for the consideration of the Governor General-in-Council, on the Common School Law for Upper Canada. The provisions of the Cameron Bill are of a directly opposite character, as is shown in the Communication above referred to. Indeed, so discouraging is the future, presented to Teachers by the provisions of this new Bill, that an old and experienced Teacher called upon me, a short time since, to know on what terms his son could be admitted for a short period to the Normal School as a paid pupil,—stating that he had intended to prepare his son for his own profession of teaching and had intended to send him to the Normal School for that purpose ; but so dark were the prospects presented to Teachers by the proposed new School law, that he intended to qualify his son for business. In each of my School Law Reports and Communications, I have remarked upon the hardships of Trustees under the present law, and pointed out the means and necessity of lessening them ; but the new Bill increases them. And it appears to me unjust to impose upon certain men the obligation, under a penalty, of assuming the duties of Trustees, allowing them no remuneration for their trouble, as are Municipal Councillors, and yet, restricting their powers and burdening them with additional forms and conditions, in the performance of their duties. It is not possible, in my opinion, for us to have good and improving Common Schools under such circumstances.

4. The proposed new Bill abolishes the present Boards of Trustees for Cities and Incorporated Towns,—annihilates the system of Schools commenced in several Towns, and re-establishes the old system, which the entire experience of America has shewn to be incapable of establishing any more than the lowest class of isolated Common Schools,—making no provision whatever for a system, or gradation, of Schools in any Town, or City, as primary, intermediate, and high Schools, such as are founded in every City and considerable Town in the neighbouring States. It is true, that little has been done in our Cities and Towns in comparison of what might, or ought to, have been done ; but it is also true that much more has been done in all the Cities and Incorporated Towns in Upper Canada, (Toronto alone excepted,) under the School Act of 1847, than under any former law, notwithstanding the omission of a provision to impose Rate-Bills,—the cause of which I explained to you when in Montreal last Autumn. It is also to be observed, that Corporations of several Towns have made a noble commencement in the erection of proper School-Houses, and establishing a proper system of Schools. In Hamilton, four fine school-lots have been obtained in different wards of the City, and steps have been taken to erect as many fine School-Houses. In St. Catharines, I understand, the erection of a large Central School, with several departments, has been projected. In Brantford, such an erection has been determined upon ; and a Member of the Corporation was lately deputed to

* See page 225-230 of this Volume.

come to Toronto and procure from me suitable plans, which I was enabled to recommend. In the Town of London, such a Building, capable of accommodating 600 children, in different departments, under different Teachers, but the whole under the direction of a Head Master, has already been commenced. The apportionment of the Legislative Grant to the Town of London for the current year, is little more than £100, but the voluntary, self-imposed School-tax exceeds £700 — One or Two Hundred pounds more than the amount of the School assessment of the large City of Toronto! These facts are presages of better times for the youth of our Towns, if such noble efforts are not crushed in the bud by the introduction of this new School Bill, which, without a single Petition from any quarter, and without a single word of notice, or explanation, in the Legislature, sweeps the present City and Town School Law of 1847 from the Statute-Book, and dooms the friends of improved Education in our Cities and Towns to disappointment, defeat and disgust.

5. The new Bill abolishes all that has been done under the present Act to introduce an uniform series of excellent Text-Books into the Schools, annuls the authority of the Provincial Board of Education to recommend Text-Books for the Schools, and places that authority in a great number of County Boards, to be appointed by the Crown. The use of an uniform and suitable series of Text-Books is one of the most important features of a good School System, and the most difficult of establishment. Yet, in less than three years, has a series of Text-Books, unrivalled for excellence and cheapness, been introduced into a considerable majority of the Common Schools of Upper Canada, and that, without the prohibition of other Books, or the exercise of arbitrary authority, but, by simple recommendation, and providing facilities to make them known and accessible to all parts of the Province. I know of no instance of such success on this point, even during the period of five years, in any State, or Province, of Europe, or America. But the Cameron Bill, not only denudes the Provincial Board of Education of the power thus so beneficially exercised, but does not provide for the continued authorization of the Text-Books already recommended, until others are authorized. To the proceedings of the Board of Education for Upper Canada, in regard both to the Normal School and Text-Books for the Common Schools generally, I have heard not one whisper of opposition, or dissatisfaction, from any part of Canada, yet, without a petition, without a single reason assigned in the Legislature, are the two years' labours of the Provincial Board in regard to Text-Books, dashed to the ground, the Schools throughout Upper Canada, on the first day of January, 1850, are left without an authorized Text-Book, and are opened to the introduction of every kind of book-trash, which itinerant vendors, and their dupes and agents, may supply until the contemplated local Boards become organized and prepared for action,—which will not be much before the end of the year. Besides, no provision is made in this Bill to defray the expenses of these projected Local Boards. Not a farthing is provided to enable them to procure specimen Text-Books, to conduct their proceedings, or give effect to any of their recommendations. They are to make bricks without straw.

The idea, or hope, of having an uniform series of Text-Books in the Schools, when their use is dependent on the sanction of twenty-five independent Local Boards is, of course, preposterous; and I have sufficiently explained, in my last interview with you, how inferior are the advantages of any Local Board for ascertaining, and recommending and providing facilities for procuring suitable Text-Books, in comparison of what are possessed by a Provincial Board, and the Chief Superintendent of Schools. I have also explained to you the great importance of the principle acted upon in other Countries, that the authorities managing the Normal School, or Schools for a State, recommend the Books used in the Schools of such State, and, for the obvious reason, that the Books used in the Normal, and its Model, School, ought to be used in the Common Schools, and that it is of great advantage for Teachers to be trained in the proper mode of using such Books, as well as to have some knowledge of the character of the Books composing the Common School Libraries, copies of which should, of course, constitute part of the Library of the Normal School, and characteristic notices of which should be given in some of the Normal School Lectures.

6. The only way in which a State, or National, System of Schools can be established and maintained in connection with local popular institutions, is, by the Executive authority making the General Regulations, and being able to secure their observance by means of the distribution, and a veto power in the application of the Legislature School Grant, or State Fund, in aid of Schools. This is provided for at every point, and, in the most efficient manner in the School Law of each of the neighbouring States, where there is a State System of Schools. This is completely provided for in the National School System in Ireland. It is provided for, to a limited extent, in the present School Law of Upper Canada; but the new Bill, as is shown in a previous Communication, precludes, by its financial provisions, all possibility of a Provincial School System, and appears to render the office of Provincial Superintendent, to a great extent, nugatory. Indeed I am credibly informed, that the original Draft of the Bill provided for the abolition of that Office; and the whole Bill seems to have been constructed with that view. But, although the Office has been retained, by the decision of the majority of the Executive Council, as I am told, it is deprived of the means, by which it has been instrumental, during the last

three years, of producing the present results in our system of the Normal and Common Schools.

CERTAIN GRAMMAR SCHOOL TEACHERS MUST HAVE NORMAL SCHOOL CERTIFICATE.

7. The new Bill contains a curious provision, involving a virtual insult to the Boards of Trustees of District Grammar Schools throughout the Province, prohibiting them from employing any Teacher,—not an University Graduate,—unless he produce a Certificate of Qualification signed by the Head Master of the Normal School,—although there is, perhaps, not a Board of Grammar School Trustees in Upper Canada, amongst whose Members there are not one, or more, University Graduates, and, notwithstanding the Head Master of the Normal School, though an excellent and able Officer and Teacher in his own department, is not, and has not been for many years, connected with a Classical School at all. This new Bill imposes on him several, besides his other, duties, as required by the Provincial Board, by whom he is appointed, and who are not even recognized in this anomalous provision of the Bill.

I also observe one Section in this Bill, authorizing the Board of Education to give Normal School Students Certificates of Qualifications for one year; while, there is another Section, authorizing the Head Master of the Normal School to give Certificates of Qualifications, at his own discretion, to all applicants, and for an indefinite period,—thus giving an Officer of the Board independent, and much greater, power than that possessed by the Board of Education itself which appoints him.

There are many other anomalies and incongruities in the details of the Bill to which I will not stop to refer in this place, but which are pointed out in the Communication of May last, before referred to, at the same time, that due mention is made of many useful provisions which are retained from the present Act.

EXCLUSION OF MINISTERS AND MAGISTRATES FROM THE OFFICE OF SCHOOL VISITOR.

8. Another feature of the Cameron Bill is, that which precludes Ministers of Religion, Magistrates, and Councillors from acting as School Visitors, a provision of the present Act to which I have heard no objection from any quarter, and from which signal benefits to the Schools have already resulted. Not only is this provision retained in the School Act for Lower Canada, but Clergymen,—and Clergymen alone,—are there authorized to select all the School Text Books relating to "Religion and Morals" for the children of their respective Persuasions. As a large majority of the people in Lower Canada are Roman Catholics, the School Fund there, from the great powers given to Clergymen, is equivalent, in perhaps nine cases out of ten, to an endowment of the Roman Catholic Church for educational purposes. But, in Upper Canada, where the great majority of the people and clergy are Protestant, the provision of the present Act authorizing Clergymen to act as School Visitors, (and that without any power to interfere in School Regulations, or Books,) is repealed. Under this new Bill, the Ministers of Religion cannot visit the Schools, as a matter of right, or, in their character as Ministers, but as private individuals, and, by the permission of the Teacher, at his pleasure. The repeal of the provision under which Clergymen of the several Religious Persuasions have acted as School Visitors, is, of course, a virtual condemnation of their acting in that capacity. When thus denuded by law of his official character, in respect to the Schools, of course, no Clergyman would so far sanction his own legislative degradation as to go into a School by sufferance, in an unministerial character. I am persuaded that such a change in this most important feature of our School System escaped the knowledge of the principal Members of the Government; but its character and tendency, in connection with the Protestant Religion of Upper Canada, in contrast with a directly opposite provision in connection with the Roman Catholic Religion of Lower Canada, must be obvious to every reflecting person.

To the School visiting feature of the present system I attach great importance, as a means of ultimately concentrating, in behalf of the Schools, the influence and sympathies of all Religious Persuasions, and the leading men of the Country. The success of it, thus far, has exceeded my most sanguine expectations; the Visits of the Clergy alone, during the last year, being an average of more than five Visits for each Clergyman in Upper Canada. From such a beginning, what may not be anticipated in future years, when information shall become more general, and an interest in the Schools more generally excited. And who can estimate the benefit, religiously, socially, educationally, and even politically, of Ministers of various Religious Persuasions meeting together at Quarterly School Examinations, and other occasions, on common and patriotic grounds,—as has been witnessed in very many instances during the last year, and becoming interested and united in the great work of advancing the education of the young. Much additional benefit may be anticipated from this feature of the present School System, when Common School Libraries have been established.

The exclusion of Ministers of Religion from all connexion with the School System, is not required by example, or public sentiment, any more than by a due regard to the character and interests of the Schools. The Regulation of the present School Law is embodied in the National School System in Ireland; the principle of it has been embodied, from the beginning, in the

Massachusetts' School System. In that State, the Reverend Doctor Sears, (President of a Baptist Theological Seminary,) has been appointed successor to the Honourable Horace Mann, as Secretary of the Massachusetts Board of Education. In the State of New Hampshire, the Reverend Richard S. Rust, A.M., Principal of the Wesleyan Wilbraham Academy, is the State Commissioner of Common Schools, as is the Reverend Doctor Lord, (Presbyterian Clergyman). State Superintendent of Schools in Ohio; and I observe that Clergymen compose a large proportion of the Members of the Regents of the University in the State of New York; also of Boards of School Trustees in Cities and Towns. It is so in the Boards of Trustees in the District Grammar Schools in Upper Canada; and who has heard of any injurious results from it? It is also worthy of remark, that, in the five vacancies which have occurred in the office of District Superintendent since last January, five Clergymen have succeeded five laymen by the spontaneous appointments of as many District Councils. I take such facts to be the expression of enlightened public sentiment on the subject. That distinguished American Statesman, the Honourable Daniel Webster, has forcibly remarked:—

"I maintain that in any institution for the instruction of youth where the Ministers of Christianity are shut out from all participation in its proceedings, there can no more be charity, true charity, found to exist, than evil can spring out of the Bible, error out of truth, or hatred and animosity come forth from the bosom of perfect love." (Speech on Girard's Will.)

9. There are yet two other provisions of the new Bill to which I must direct your particular attention: Both of these provisions were introduced, as amendments, at the last moment, and without any previous notice, when the Bill was being passed through the Committee of the House at a galloping speed. The one places the duties of my Office under the direction of the Provincial Board of Education; the other proscribes all Books from the Schools containing "controverted theological dogmas, or doctrines."* If the provision to make the Superintendent a Servant of the Board of Education, is not designed to be practical, it must then be intended merely to gratify the enmity of certain individuals against the present Incumbent, by placing him in a comparatively humiliated position, and denuding his Office of the standing and influence which it now possesses. But if this provision is designed to be practical,—as I think it must be assumed,—then, it is liable to the following additional objections:

(1). It subjects every decision, every Letter, every act, every part of the proceedings of the Superintendent to the embarrassment, delay, and perplexity of a discussion in a Board. I know the operation of this system in the comparatively limited Correspondence and local matters relating to the Normal School,—where, I think, it is unavoidable and necessary. In such a Board of weekly meeting and discussion, one unfriendly person can render the official life of a Provincial Superintendent disgusting and miserable, and no situation can afford better opportunities for intrigue against him. If he gives any advice, or performs any mission, or duty in any part of the Province, there will not be wanting persons to assail him in private letters to individual Members of the Board,—especially to any individual Member known to be unfriendly to the Superintendent; and, thus, the whole course of his labours may be embittered as well as embarrassed † I speak on this point from experience, in the more limited affairs of the Normal and Model Schools.

(2). It is at variance with all precedent. There is not an instance in any State in America, much less in Europe, of a State Superintendent, or Commissioner, of Public Schools, or Minister of Public Instruction, being placed under a Board of unofficial, and, therefore, of irresponsible persons. The only example which approaches, even in name, is that of the Board of Education and its Secretary in the State of Massachusetts. But in that case, three things are to be noted:—

First. The Secretary is appointed by the Board itself and is therefore, its Officer,—not appointed by, and the Officer of Government, in contradistinction to the Board.

Secondly. The Board itself is not constituted to administer the School Law, not even to apportion and distribute the State School Fund, but it is constituted merely to collect and diffuse information, and prepare forms for, and reports of, the Schools.

Thirdly, The Board is, in fact, the Government itself, as a Board of Education for certain purposes, consisting of the Governor and Lieutenant-Governor of the State, and seven other persons, appointed by the Governor; and the Secretary of a Board, thus constituted, is virtually the Educational Secretary of the State itself.

(3). This feature of the Cameron School Bill witholds from the administration of the Common School System the application of the principle of responsibility, which is applied to every

* See the 54th, clause 3, the 61st and 62nd Sections of the Common School Act, on pages 180, 181 and 182 of this Volume.

† This state of things did actually exist during the latter years in the early seventies, of the existence of the Council of Public Instruction, and until Doctor Ryerson retired from office in 1876; it, with other acts of unfriendly treatment, which he officially received, was mainly the cause of that retirement, as he assured me.

other Department of the Public Service in Canada. An unsalaried Board is not a responsible Body ; nor can its Members be supposed to devote, without remuneration, the requisite time and study necessary to become acquainted with all the interests and questions involved in the administration of so important a system. A salaried Superintendent is responsible, like that of any other Government Officer. He has the stimulus of such responsibility, on the one hand, and the protection of a responsible Government, on the other ; and the principle of "Responsible Government" is applied to him and to his Department, the same as to other Public Officers, and their Departments. I beg to refer to my discussion upon the application of the Principles of Responsible Government to the Office of Superintendent of Schools, in the first volume of the *Journal of Education for Upper Canada*, (a copy of which I herewith transmit, and beg your acceptance of,) pages 49-56, where, indeed, the powers, duties, etcetera, of Superintendents of Schools, as existing in different Countries and States, are set forth and explained.

Difficulty of Defining what are "Controverted Theological Dogmas, or Doctrines".

10. The last feature of this new Bill, on which I will remark is, that which proscribes from the Schools all Books containing "Controverted Theological Dogmas, or Doctrines." I doubt whether this provision of the Act harmonizes with the Christian feelings of Members of the Government ; but it is needless to inquire what were the intentions which dictated this extraordinary provision, since the construction of an Act of Parliament depends upon the language of the Act itself, and not upon the intentions of its framers. The effect of such a provision is to exclude every kind of Book containing Religious Truth, even every version of these Scriptures themselves ; for the Protestant version of these Scriptures contains "Theological Doctrines," controverted by the Roman Catholic, and the Donay version of them contains "Theological Dogmas" controverted by the Protestant.

The "Theological Doctrine" of Miracles, in Paley's "Evidences of Christianity," is "controverted" by the disciples of Hume. Several of the "Theological Doctrines" in Paley's "Moral Philosophy" are also "controverted ;" and, indeed, there is not a single Doctrine of Christianity which is not "controverted" by some party, or other. The whole series of Irish National Readers must be proscribed, as containing "Controverted Theological Doctrines ;" since, as the Irish Commissioners of Education state, these Books are pervaded by the principles and spirit of Christianity, though free from any tincture of sectarianism. The Regulations of the Irish National Board of Education, which I have quoted, and adopted as the basis of our Canadian School System, on the subject of Religious Instruction, are as follows :—

"We allow Religious Instruction to be given, and of course, the Scriptures to be read, or the Catechism learned, during any of the School hours, provided that such an arrangement be made, as that no children shall take part in, or listen to, any religious reading, or instruction, to which their parents, or guardians, object. With this view, we have framed the following Regulations :—

1st. The ordinary School business, during which all children, of whatever Religious Denomination they may be, are required to attend, is to embrace a competent number of hours in each day.

2nd. One day, at least, in each week, or part of a day, (independently of the Sunday,) is to be set apart for the Religious Instruction of the children, on which day such Pastors, or other Persons as are approved of by their parents, or guardians, shall have access to them for that purpose, whether those Pastors have signed the original application, or not.

3rd. The Managers of Schools are also expected to afford convenient opportunity and facility for the same purpose on other days of the week. But, where any course of Religious Instruction is pursued in a School during school hours, to which the parents of any of the children attending it object, an arrangement is to be made for giving it separately to those who are to receive it.

4th. Any arrangement of this description that may be made, is to be publicly notified in the Schools, in order that those children, and those only, may be present at the Religious Instruction, whose parents and guardians approve of them being so.

5th. If any other Books than the Holy Scriptures, or the standard Books of the Church to which the children using them belong, are employed in communicating Religious Instruction, the title of each is to be made known to the Board.

6th. The reading of the Scriptures, either in the Protestant authorized, or Douay, version, is considered as Religious Instruction,"

These Regulations have been peacefully, successfully and beneficially in operation in Ireland since 1837, and are in harmony with the Section introduced into Mr. Hincks' School Bill in 1843,* and retained, without alteration, in the present Act, exonerating a child from attending any exercise of Religion, or Devotion, or reading any Religious Book, to which his, or her, parents, or guardians, shall object. This security, I think, is ample ; and under it, for the last six years, I am not aware of the occurrence of a single difficulty. The exclusion of all kinds of Christian Books,—even the Bible, involves, of course, the exclusion of every kind of Religious Instruction. On this great subject, I cannot depart from what I have stated and illustrated at

* Section 54 of the Common School Act of 1843, on page 259 of the Fourth Volume of this Documentary History.

large in my "Report on a System of Public Elementary Instruction for Upper Canada," under the heads of Bible, and Religious Instruction in Schools, (pages 24-51)* where, while I have held up to reprobation merely sectarian instruction in the Schools, I have shown the extent to which the Holy Scriptures are used, and Religious Instruction is given, in the non-sectarian mixed schools of different Christian Countries,—Protestant and Roman Catholic.

I think there is too little Christianity in our Schools, instead of too much; and that the united efforts of all Christian men should be to introduce more, instead of excluding what little there is. On this vital question, I am happy to be sustained, not only by the authority and example of the Irish National Board of Education, and the practice of European Countries, but also by the practice of the New England States, and the testimonies of their great educationists.

The Honourable Daniel Webster's Vindication of Religious Instruction in the Schools.

The Honourable Daniel Webster, (already quoted,) observes:—

"It is idle, it is mockery, and an insult to common sense, to maintain that a School for the instruction of youth, from which Christian instruction by Christian Teachers, is sedulously and rigorously shut out, is not deistical and infidel, both in its purpose and tendency." "The objection to the multitude and differences of Sects is but the old story,—the old infidel argument. It is notorious that there are certain great Religious truths which are admitted and believed by all Christians. All believe in the existence of a God. All believe in the immortality of the soul. All believe in the responsibility, in another world, for our conduct in this. All believe in the Divine authority of the New Testament. Doctor Paley says, that a single word from the New Testament shuts up the mouth of human questioning, and excludes all human reasoning. And cannot all these great truths be taught to children without their minds being perplexed with clashing doctrines and sectarian controversies? Certainly they can."—"How have they done in the Schools of New England? There the great elements of Christian truth are taught in every School, as far as I am acquainted with them. The Scriptures are read, their authority taught and enforced, their evidence explained, and prayers usually attended. The truth is, that those who really value Christianity, and believe in its importance, not only to the spiritual welfare of man, but to the safety and prosperity of human society, rejoice that, in its revelations and its teachings, there is so much which mounts above controversy, and stands on universal acknowledgment. While many things about it are disputed, or are dark, they still plainly see its foundation, and its main pillars, and they behold in it a sacred structure rising up to the heavens. They wish its general principles, and all its great truths, to be spread over the whole earth. But those who do not value Christianity, nor believe in its importance to society, or individuals, cavil about Sects and Schisms, and ring monotonous changes upon the shallow, and so often refuted, objections founded on alleged variety of discordant creeds and clashing doctrines." (*Speech on Girard's Will.*)

Vindication, by the Massachusetts Board of Education and its Secretary, of the Scriptures and the Giving of Religious Instruction from them.

The Board of Education for the State of Massachusetts, in its Eighth Annual Report, has put forth an elaborate vindication of the Holy Scriptures and Religious Instruction in the Schools,—commencing their remarks in the following words:—

"We cannot conclude this Report without referring to a subject of vital interest, not only to the prosperity of all our Institutions of Learning, but to the welfare, also, of all the children of the Commonwealth. We refer to the importance of cultivating, as well the Moral and Religious, as the intellectual faculties of our children by the frequent and careful perusal of the Sacred Scriptures in in our Schools."

The Board then proceed to show that the Bible is used in all the Schools in the State, except in those of three Towns, either as a reading book, or in exercises of devotion,—adding:—

"By the recommendation of the Board, it [the Bible] has been in daily use, in all the Normal Schools, from the commencement, and it is believed that it is used, in like manner, in all our Academies."

From the lengthened remarks of the Massachusetts Board of Education, I will only further extract the two following sentences:—

"It is worthy of remark, that while our Legislature have guarded, sedulously and effectually, our Common Schools from becoming places for sectarian instruction, they have, at the same time, provided for the instruction of youth, both in the Schools and in the other Institutions of Learning, in a knowledge of the principles of the Christian Religion." "It will also be recollected that the Common Schools are under the charge of Committees [Trustees] chosen by the people, who have power to direct the manner and amount of Religious Instruction to be given in them."

This last sentence describes precisely the manner in which I have provided for Religious Instruction in the Common Schools of Upper Canada,—at the option, and under the direction,

* Those parts of his "Report on a System of Public Elementary Instruction for Upper Canada," to which Doctor Ryerson here refers, are printed on pages 147-158 of the Sixth Volume of this Documentary History.

of Trustees chosen by the people. I have not assumed it to be the duty, or even constitutional right, of the Government to compel anything in respect either to Religious Books, or Religious Instruction, but to recommend the local Trustees to do so, and to provide powers and facilities to enable them to do so within the wise restriction imposed by law. I have respected the rights and scruples of the Roman Catholic, as well as those of the Protestant. By some, I am accused of having too friendly a feeling towards the Roman Catholics, but, while I would do nothing to infringe the rights and feelings of Roman Catholics, I cannot be a party to depriving Protestants of the Text-Book of their Faith,—the choicest patrimony bequeathed by their forefathers, and the noblest birthright of their children. It affords me pleasure to record the fact.—and the circumstance shows the ease and fairness with which I have acted on this subject—that, before adopting the Section in the printed Forms and Regulations on the "Constitution and Government of the Schools in respect to Religious Instruction," I submitted it, among others, to the late lamented Roman Catholic Bishop Power, who, after examining it, said he would not object to it, as Roman Catholics were fully protected in their rights and views, and as he did not wish to interfere with Protestants in the fullest exercise of their rights and views.*

I cannot conclude my remarks on this subject without adding the following paragraphs from the pen of that eloquent and true educational patriot, the Honourable Horace Mann, who, in his School Report for 1848,—his last, and his twelfth Report, as Secretary of the Massachusetts Board of Education,—devoted forty-two printed octavo pages to the vindication of the system of Religious Instruction of the public Schools, not against persons who objected to such instruction, but against those who insisted that too little Religious Instruction was provided for in the Public Schools, and that they should, therefore, be made "parochial," or "sectarian." The former of the following paragraphs shows the kind of objections urged against the system, the latter the views of its noble advocate :—

"It is known," says Mr. Mann, "that our noble system of Free Schools for the whole people, is strenuously opposed by a few persons in our own State, and by no inconsiderable numbers in some of the other States of this Union ; and that a rival system of 'Parochial,' or 'Sectarian,' Schools, is now urged upon the public by a numerous, a powerful, and a well-organized body of men. It has pleased the advocates of this rival system, in various public addresses, in reports, and through periodicals devoted to their cause, to denounce our system as irreligious and anti-Christian. They do not trouble themselves to describe what our system is, but adopt a more summary way to forestall public opinion against it, by using general epithets of reproach and signals of alarm.

"In this age of the world, is seems to me, that no student of history, or observer of mankind, can be hostile to the Precepts and the Doctrines of the Christian Religion, or opposed to any institutions which expound and exemplify them ; and no man who thinks, as I cannot but think, respecting the enduring elements of character, whether public, or private, can be willing to have his name mentioned, while he is living, or remembered, when he is dead, as opposed to Religious Instruction and Bible Instruction for the young. In making this final Report, therefore, I desire to vindicate my conduct from the charges that have been made against it, and, so far as the Board of Education has been implicated in these charges, to leave my testimony on record for their exculpation. Indeed, on this point, the Board and myself must be justified, or condemned, together ; for I do not believe they would have enabled me, by their annual re-ections, to carry forward any plan, either for excluding the Bible, or Religious Instruction from the Schools ; and had the Board required me to execute such a purpose, I certainly should have given them the earliest opportunity to appoint my successor."†

The sentiment of the concluding sentence of this quotation is the language of my heart and purpose. It will be seen that the New England, or Irish National School, advocates of a system of mixed Schools, in contradistinction to separate and sectarian schools, did not maintain that the Scriptures and all Religious Instruction should be excluded from the Schools, but that the peculiarities of sectarianism were no essential part of Religious Instruction in the Schools, and that the essential elements and truths and Morals of Christianity could be provided for and taught without a single bitter element of sectarianism. The advocates of Public Schools meet the advocates of sectarian schools, not by denying the connection between Education and Sectarianism, but by comprehending Christianity in the system, and only rejecting sectarianism from it. The same, I think, is our safety and our duty. Be assured, that no System of Popular Education will flourish in a Country, which does violence to the Religious sentiments and feelings of the Churches of that Country.

Be assured, that every such system will droop and wither, which does not take root in the Christian and patriotic sympathies of the people ; which does not command the respect and confidence of the several Religious Persuasions, both Ministers and Laity,—for these, in fact, make up the aggregate of the Christianity of the Country. The cold calculations of unChristianized selfishness will never sustain a School System. And, if you will not embrace Christianity in your School System, you will soon find that the Religious Persuasions will commence estab-

*For Doctor Ryerson's tribute to Bishop Power, see pages 99, 100 of the Seventh Volume of this Documentary History.

†For a sketch of the Honorable Horace Mann, see pages 213, 214 of the Sixth Volume of this History. There are two bronze statues of Horace Mann in Boston,—one opposite the State House, and the other opposite the City Hall.

lishing Schools of their own ; and I think they ought to do so, and I should feel, that I was performing an imperative duty in urging them to do so. But, if you wish to secure the co-operation of the Ministers and Members of all Religious Persuasions, leave out of your system the points wherein they differ, and boldly and avowedly provide facilities for the inculcation of what they hold in common, and what they value most, and that is what the best interests of a Country require.

This was the most anxious object of my inquiry during my educational tour in the United States and Europe four years since ; on this ground of broad non-sectarian Christianity, after more than twelve months fresh and earnest deliberation, I determined to take my stand ; and in this, I believe, is involved the philosophy of the unprecedented success of the present System of Schools, during three short years Not a single Religious Persuasion has, in any shape, or form, objected to it. Even Doctor Strachan, Lord Bishop of Toronto, (and "*The Church*" newspaper,) who opposed, by petitions and otherwise, the School Act of 1846, have withdrawn opposition to the present ; and the Ministers of Religion generally, have given it their support, —feeling that, without compromising Religious Principle, nay, upon the ground of Religious Principle, and in the maintenance of their official character, they could co-operate in its proceedings and promote its interests. Yet it is free from the tincture of sectarianism, from the Normal School down to the Village Primary School, and, under its operations separate, or sectarian, Schools have declined nearly two-thirds during the last three years.

Now, from my Communication of the 12th of May last,* and the foregoing observations, it is obvious that the Cameron New School Bill involves the subversion and overthrow of all the great principles and leading features of the present School System, apart from the task which it imposes upon the people of studying a new law, more than twice as voluminous as the present Act, and learning new conditions and new modes of proceeding,—a Bill too, even supposing its principles were sound, cannot be administered a single year without modifications and amendments in its details, much more extensive and numerous than the most practical and experienced men have thought necessary in the present Act.

The Chief Superintendent must retire, if the Cameron Bill takes effect.

As it relates to myself, the new Bill, on its coming into operation, leaves me but one course to pursue. The character and tendency of that Bill,—whatever may have been the motive in its preparation,—clearly is to compel me to relinquish office, or virtually abandon principles and provisions which I have advocated as of great and vital importance, and become a party to my own personal humiliation and degradation ;—thus justly exposing myself to the suspicion and imputation of mean and mercenary conduct.

I can readily retire from office, and do much more, if necessary, in maintenance of what I believe to be vital to the moral and educational interests of my native Country ; but I can never knowingly be a party to my own humiliation and debasement. I regret that an unprecedented mode of legislation has been resorted to to gratify the feelings of personal envy and hostility. I regard it as a virtual vindication of myself against oft repeated allegations, that it was felt that I could not be reached by the usual straight-forward administration of Government. Lately, in the English House of Lords, the Marquis of Lansdowne stated, that Mr. Lafontaine had returned to Canada, and boldly challenged inquiry into any of the allegations made against him in reference to past years. I have repeatedly done the same. No such inquiry has been granted, or instituted. Yet I am not only pursued by base calumnies, of certain persons and papers, professing to support and enjoy the confidence of the Government, but legislation is resorted to, and new provisions introduced at the last hour of the Session, to deal out upon me the long meditated blows of unscrupulous envy and animosity. But I deeply regret that the blows which fall comparatively light upon me, will fall with much greater weight, and more serious consequences, upon the youth of the land, and its future moral and educational interests.

How the Honourable Horace Mann was Assailed During His Incumbancy of Office.

During the first few years of his educational labours, the Honourable Horace Mann was opposed by a powerful party, and attacked with as much virulence as that with which I have been assailed. In his last Report, Mr. Mann says, that he had experienced years of endurance, suffering under misconstructions of conduct, and the imputation of motives, whose edge is sharper than a knife." And, in referring to the authorities by whom he had been appointed to office, he makes the following significant remark :—

"I feel that, had it not been for their confidence in me, during some of the years of doubt and struggle, through which I have passed, this educational enterprise would have proved a failure in my hands ; and thus, my name, in one of the noblest of all human undertakings, would have been connected with the dishonour of a defeat, and with the ridicule that pursues a visionary schemer."

* Printed on pages 225-230 of this Volume.

Similar Treatment Received by the Chief Superintendent of Upper Canada.

These appear to have been the anticipations of extreme partizans, in respect to myself, and my labours ; and, doubtless, such are the results which they expect from the new Cameron Bill. But they are a little too late, as it respects myself. Had they acted twelve months sooner, they might have realized their wishes. At that time I had no statistics, no official facts whatever, to prove that my plans were not the vagaries of a "visionary schemer." But, since that time, not only have the pages of the "*Journal of Education* developed my views to a large portion of the public, but two Annual Reports have been prepared, and are within the last week n print ; and, to the numerous facts and testimonies contained in these documents, I now fearlessly appeal as to the practical character and success of the School System and Measures which I have adopted and recommended. To the statements and opinions of several District School Superintendents,—as given in my School Report for last year, 1848*—as to both the acceptableness and efficiency of the general provisions of even the present School Law in the estimation of those who have had most experience of it,—I appeal, as of more weight than the notions of the projectors of the new Bill.

On the minor details of a law, no one is disposed to lay less stress than myself, On such ground I should not feel myself justified in not labouring to give efficiency to such a Measure. Acting, as I hope I do, upon Christian and public grounds, I should not feel myself justified in withdrawing from a work, in consequence of personal discourtesy and ill treatment, or a reduction of means of support and usefulness. But, when I see the fruits of four years' anxious labours, in a single blast, scattered to the winds, and have no satisfactory ground of hope that such will not be the fate of another four years' labour ; when I see the foundations of great principles, which, after extensive inquiry and long deliberation, I have endeavoured to lay, torn up and thrown aside, as worthless rubbish ; when I see myself deprived of the protection and advantage of the application of the Principle of "Responsible Government," as applied to every other Head of a Department, and made the subordinate agent of a Board, which I have originated, and the Members of which I have had the honour to recommend for appointment ; when I see myself officially served from a Normal School Institution, which I have devised, and every feature and detail of which are universally commended even to the individual capacities of the Masters whom I have sought out and recommended ; when I see myself placed in a position, to an entirely novel system of Education at large, in which I can either burrow in inactivity, or labour with little hope of success ; when I find myself placed in such circumstances, I cannot hesitate as to the course of duty, as well as the obligations of honour and self-respect.

It is neither my right, nor wish, to presume to dictate to the Government as to its Measures, or proceedings. But, I think it is my right, and only frank and respectful on the earliest occasion, to state, in regard to my own humble labours, whether I can serve on terms and principles and conditions so different from those under which I have, up to the present time, acted ; though I cannot, without deep regret and emotion, contemplate the loss of so much time and labour, and find myself impelled to abandon a work on which I had set my heart, and to qualify myself for which I have devoted four of the most matured years of my life. All that I have desired of the Government is that which I have respectfully suggested in the first remark of my Communication of the 12th May last ; namely, that, before demolishing the present Common School system of Upper Canada, the Government would inquire into its character —its working and results, by a Commission, or otherwise, and hear the statements and opinions of different men and parties of much experience and varied information on the subject.

The reasons why the spirit which originated the Cameron Bill dreaded the light of such investigation, are quite obvious. But, if the convenience of the people and the Common School interest of the Country are not worth so much attention and trouble on the part of the Government, I grieve for the educational future of Upper Canada. Had the Government thought proper to institute such an inquiry, either before, or during, the last Session of the Legislature ; or, had it seen fit, (seeing that it, declined adopting the short School Bill submitted by me in) to defer legislation altogether on the subject until the next Session, as the present School Act could be administered for six or nine months, under the new Municipal system, as well as under the present, and, in the mean time, have instituted an inquiry into the principles and working of the present School Law, and the changes necessary to amend and perfect it, I believe the result would have been as honourable and gratifying to the Government, as beneficial to the country.

Having now fulfilled my promise, to communicate to you, in writing, my views on this important and extensive subject, I leave the whole question in your hands.

Toronto, 14th July, 1849. Egerton Ryerson.

*Given on pages 96—102 of this Volume.

V. ADDITIONAL LETTER TO THE HONOURABLE ATTORNEY-GENERAL BALDWIN.

No written acknowledgement of the foregoing Communication was received by Doctor Ryerson from Mr. Baldwin, as, it was understood, that Doctor Ryerson would personally see Mr. Baldwin, after he had read and considered the various matters discussed in that Letter. This personal interview took place; and, after Doctor Ryerson had returned to Toronto in August, he addressed to Mr. Baldwin the following semi private Letter, in which he said:

I feel that the time and pains you bestowed yesterday, (amidst so many calls and engagements,) demands of me something more than a mere verbal acknowledgement. You are the first Member of any Government, who has taken the trouble to ascertain, by personal inquiry, the nature and working of the Education Office, as a part of the Common School System of Upper Canada,—together with the practical operation of certain great principles in the administration of it.

With the Personal Assurances of the Attorney-General, Doctor Ryerson will Remain.

From the attention you have been pleased to give this great question, and from what I now understand to be your personal feelings and intentions, I shall renew my labours with fresh confidence, and prosecute my work, as if nothing had occurred, and, as if nothing would be done to impede it, and leave things to be righted quietly, in the manner that you have suggested.

I leave this evening for Rochester, on my way to the National School Convention to be held in Philadelphia, of which I enclose you a notice.

After my return, I will, at once, apply myself to prepare a Draft of Bill, embracing all the essential provisions of the present Acts of 1846 and 1847, and the Cameron Bill, and such additional provisions as I conceive will remedy existing defects, and so seek to perfect the legal part of our School System. This Draft I will submit it to you individually, as the basis of further inquiries and consultations.*

In the meantime I will be glad to learn as soon as convenient the decision of the Government on my proposal, in regard to taking the necessary preliminary steps for the introduction of School Libraries.

If I am permitted and enabled to do that part of the work during the ensuing Autumn, and then get a practicable School Act passed next Winter Session of the Legislature, and the requisite copies of it forthwith printed, together with the necessary Official Forms and Regulations, and forms of blank Reports for both School Superintendents and Trustees prepared, and my own Annual Report for the current year, I can then visit all the Districts next Spring and Summer, distributing personally all these documents, with the necessary explanations and consultations at Public Meetings on the manner of using them, and the means of advancing the whole work of Elementary Education throughout the Country.

Egerton Ryerson.

Toronto, 16th August, 1849.

VI. FINAL SUGGESTIONS IN REGARD TO THE CAMERON SCHOOL BILL OF 1849.

The Cameron School Bill received the Royal Assent on the 30th of May, 1849. But, the last Section of that Bill provided that it was not to come into operation, as a Statute, until the first day of January, 1850. Ample time was, therefore, given to the Government to decide upon the questions submitted to it, by the Chief Superintendent of Education, in regard to its operation. The questions thus proposed were practically summed up in the two Communications, addressed by him to the Honourable Attorney General Baldwin, on the 14th of July, 1849. (See pages 231-243 of this Volume.)

*This Draft of Bill was, in due time, prepared by Doctor Ryerson, and is the basis of the comprehensive Common School Act of 1850, which is the Charter of the present School System of Upper Canada. On this Draft being put into print, it received its final emendation, from Mr. Baldwin. I have the original Draft of Bill, with the emendations made on it by Mr. Baldwin in his own hand-writing.

In order, however, to bring the matter definitely before the Government, as a whole, Doctor Ryerson addressed the following final Letter on the subject to the Provincial Secretary, dated the Seventh of December, 1849 :—

As it is provided that the new Common School Act for Upper Canada, which passed the Legislature at its last Session, shall have force after the first day of January next ensuing, I desire most respectfully to submit to the consideration of the Governor General-in-Council, what appears to me to be the vital interests of our Common Schools in respect to that law.

THE NEW SCHOOL LAW REPEALS THE FORMER ACT, GRANTING MONEYS TO THE SCHOOLS.

1. I observe, in the first place, that the new Law, (see last Section), repeals the very Law by which Legislative aid is now granted to Common Schools in Upper Canada ;—that it makes no provision whatever for enabling Municipal Councils to establish Common School Libraries ;—that it makes no provision whatever for enabling the contemplated County Boards to perform the duties imposed upon them ; that it provides no security, or means, by which the diversion, in any case, of any part of the Legislative School Grant from the objects contemplated by the Legislature can be prevented ; and it provides none of the means essential to acquiring the needful information in regard to any matters relating to the operations, or administration, of the School Law, or the expenditure of moneys for school purposes, in particular cases, in any Township in Upper Canada, as it does not authorize even the slightest correspondence, on either side, between the Provincial Superintendent and any Township Superintendent,—thus leaving the Provincial Superintendent no means whatever of acquiring local information of any kind, except by application to the Clerks of the County Councils. With such omissions in the general provisions, and great essential parts of this School Law, (without adverting to numerous details,) it is obvious, that its introduction into the Province, as obligatory Statute Law, must issue in a rapid decline, instead of advancement in our Common Schools.

THE NEW LAW HAS PRACTICALLY REVERSED WHAT HAS BEEN DONE IN THE PAST.

2. But there are many provisions of this Act still more injurious than its omissions. I will mention some of the more general :

(1) It abolishes all that has been done by the Provincial Board of Education, with a view of introducing a series of suitable Text-Books in the Common Schools of Upper Canada, an event which I can look upon as little less than a calamity to the Schools and youth of the Province ;

(2) It must also impair, to a considerable extent, the usefulness of the Provincial Normal School, as one object of the training of Teachers in that Institution is, not only to qualify them to teach generally in the best manner, but to teach the National School Books to the best advantage, and to organize Schools according to them,—an object which is, in a great measure useless, when the authority which manages the Provincial Normal School is denuded of all right to say anything respecting these School Text-Books. Scores of testimonies have been given in Official Reports and in the Correspondence of the "*Journal of Education*," as to the benefits already resulting to Schools from the labours of the Board of Education for Upper Canada, in regard to Text-Books, as well as in respect to the Normal School. The most useful recommendations of the Board are not even perpetuated, until the action of other Boards takes place ; while its authority, in respect both to Text-books and Books for Libraries is abrogated ;

(3) This new Law alters the Constitution and system of managing the Normal School,—repeals the provisions to which that Institution owes its very existence, and, to a great extent, its harmonious and economical management, and contains provisions which will add considerably to the expense, and detract from the efficiency of the management of that Establishment, changes that were introduced, not only without consulting the Chief Superintendent of Schools, and the Members of the Provincial Board of Education, who had established and matured the operations of the Normal School, but against their judgment.

(4) What has been done during the last two years for improving the system of Schools in our Cities and Incorporated Towns, is also to be abolished, and, instead of giving the Boards of Trustees in those Cities and Towns authority to impose Rate-Bills, they are to be set aside, and a retrogade movement is to be made back to the old system, which has long since been abandoned by every City and Town in the neighbouring States, as one of the relicts of stationary ignorance, and the monumental barriers against all School improvement in Cities and Towns, as experience has shown in the Cities and Towns of Upper Canada for the last twenty years.

(5) Those who have voluntarily fulfilled the office of School Visitors during the last two years and upwards, are likewise denuded of their character, as such, while corresponding classes of persons in Lower Canada are retained as School Visitors ; and, while the Clergy there are not only continued in the office of School Visitors, but are invested with the absolute and exclusive authority to select all Books used in the Schools "relating to religion and morals,"—a

power that it was never thought of conferring upon the Clergy of Upper Canada. The Clergy in this Province have not been invested with authority to interfere in respect to a single Regulation, or Book, used in the Schools. The School visits of the Clergy of its several Religious Persuasions, (besides 1,459 visits of Magistrates and 959 of District Councillors), have amounted, during the last year, to 2,254, exceeding an average of five School visits for each Clergyman in Upper Canada; nor have I heard of any instance of any thing unpleasant, or hurtful, resulting from such visits; but, on the contrary, the most abundant proofs have been given of the salutary, social, and educational influence arising from enlisting so vast a moral power in the cause of popular education. The repeal of the legal provision by which Clergymen can, in their official character, and as a matter of right, visit the Schools, is, of course, a Legislative condemnation of their acting in that capacity, nor can any Clergyman be expected to visit the Schools, or regard them with interest, after having been denuded of the right of doing so, except by sufferance, and, as a private individual, while the Clergy in Lower Canada, (where a different form of Religion most widely prevails,) are placed in so very different a legal relation to the Schools. I felt satisfied at the time, as I have since learned, that the Members of the Government generally, were not aware that the provisions of the new Act involved such an insult to the Clergy of Upper Canada, and the severance from the Schools of a cordial co-operation and influence most important to their advancement.

(6) The new Act contains provisions relating to the ground and manner of admitting into, and excluding Books from the Schools, which appear to me fraught with the most injurious and painful consequences, and to which I do not wish to make further reference in this place.

(7) While the present law protects the School Fund against the loss, or application of a sixpence for the entire administration of the Provincial School System, the new Act permits the whole expense of the local superintendence of Schools to be deducted from the School Fund, and authorizes the alienation of one-fourth of the entire School Fund from ordinary apportionments to the establishment and support of Pauper Schools. The discretionary alienation of so large a portion of the School Fund cannot but be injurious to ordinary Schools and their Teachers; and I think the introduction of a class of pauper Schools in the Country is most earnestly to be deprecated. I can show that I have not only had regard to feeble and needy School Sections, as such, but that under the provisions of the yet existing Law, I have invariably met the special case of such Sections; so that not one of them, as far as I have been able to ascertain, has been deprived of the advantages of the School System, on account of its poverty, nay, that such Sections have been aided in a way most effectually to prompt and encourage local exertions, to exempt them from the baneful influence and degration, of constituting a distinct class of pauper Schools, and that too by not deducting a farthing from the ordinary apportionments to Teachers and Schools.

(8) The new Act requires conditions and forms of proceedings from School Trustees unecessarily onerous and burdensome, and imposes restrictions and obstacles upon Trustees, in providing for Teachers's salaries, which cannot fail to cause losses to Teachers, and trouble and discouragement to Trustees. This is one point on which the present Law has been justly complained of; But the new Act provides for greatly multiplying those grounds of complaint, rather than removing them.

(9) The method, (as provided by this new Act,) of getting up local Reports through the medium of the County Clerks, who have no practical connection with, or knowledge of the operations of the School Law, has been tried in the State of New-York, and has been found utterly abortive, as I can show from statements on the subject by the State Superintendent.

Such is a summary statement of those provisions of the new School Act which, I feel satisfied, must render its operations a source of incalculable injury to the Schools, and of great dissatisfaction to the people. I can adduce facts and authorities to illustrate and establish any or all of the points above stated, whenever desired.

Redeeming Features of the New Act are Suggestions Made by the Chief Superintendent.

What has been referred to as the popular and remedial features of the new Act,—such as the County Boards for the examination of Teachers, Schools for the children of Coloured people, the apportionment of certain sums for the establishment of Libraries, extending the facilities of the Normal School, the establishment of a School of Art and Design, adapting the School System to that of Township Councils—were recommended in my Communications and Drafts of Bills dated the 14th October, 1848,* and 23rd February, 1849,† but they are so mutilated and so connected with incompatible, and most strange, provisions, as to be neutralized and rendered useless. The new Act seems to be the creation of inexperienced theorism, and the collection of Sections and parts of Sections from several Acts and Drafts of School Bills, without any clear perception of their relation the one to the other, or their working as a whole.

*Printed on pages 83-94 of the present Volume.

†See also pages 214-221 of this Volume.

Some of the most objectionable provisions of this new Act were not in the printed copy of the Bill, but were introduced when this Act of forty-nine octavo pages was pressed through the Legislative Assembly in a single hour, at the very heel of the Session, after most of the Members' copies of the printed Draft of the Bill had been destroyed by fire, and when, perhaps, not five persons could form the least idea of their contents, and when Mr. J. C. Morrison, the only Member of the Assembly, who was a Member of the Provincial Board of Education, and who understood the law practically, as well as by careful examination, and who had expressed his preparedness and intention to offer suggestions and amendments, was known to be absent from his place in the House.

Recommendations and Suggestions by the Chief Superintendent of Education.

It being necessary that some decisive action be taken in respect to the School System, as affected by the new Act, I take the liberty of submitting the following recommendations to the Governor-General-in-Council :—

1. That the Corporations of Cities and Towns be advised to take no steps at present, towards cutting up the constituencies which they represent into little independent petty School Sections, but to allow the present Board of Trustees to remain for the time being : and, under the 17th Section of the New Act, these Boards of Trustees will be invested with all the powers with which it invests any newly elected School Trustees. Thus will confusion and the breaking up of all that is being done in Cities and Towns be prevented until the ensuing Session of the Legislature.

2. That, in each of the rural School Sections throughout Upper Canada, one Trustee be elected, as seems to be intended by the 23rd Section of the New Act, taken into connexion with the 17th Section, (as has been advised by the Attorney General,) and, as should have been the case, had not the present Law been interfered with. Thus, there will be no break in the existing School Corporations, and the evils resulting therefrom will be avoided.

3. That, as the fourth clause of the Second Section of the new Act provides that the Schools shall be conducted according to such Forms and Regulations as shall be provided by the Chief Superintendent of Education, the present Forms and Regulations, (which are in the hands of all the Trustee Corporations throughout Upper Canada, and are familiar to them) be continued unchanged, until the ensuing Session of the Legislature. Then, as the 73rd Section of this new Act continues the present District Superintendents in office, with their present powers and duties, until the first day of next March, all the operations of the Common School System can be maintained inviolate until that time ; no provisions of the new Act will be contravened, and the manifold evils of its introduction will be averted.

4. That, on the meeting of the Legislature, the new Act be withdrawn, and the present Law continued, with such amendments to remedy its defects, and to adapt it to the approaching Township Municipal System, as I proposed in a Draft of a short Bill transmitted to the Provincial Secrerary the 23rd February last,* together with any further amendments that a careful examination and consultation, with persons of practical experience, may suggest.

Thus will the people feel themselves relieved of the dreadful task of beginning again to learn the Forms and Regulations of a new and complicated Law ; the friends of Education will feel that there is some stability in the great principles of the School System, which they have laboured so much, and so successfully, to establish, and that it will not be subjected to the caprices of party legislation, or the mutations of party power, while it will, from time to time, undergo those amendments and improvements, which experience and the progress of society shall demand.

Egerton Ryerson.

Toronto, 7th of December, 1849.

VII. REPLY TO THIS LETTER BY THE PROVINCIAL SECRETARY.

I have the honour to inform you that His Excellency, the Governor-General, has had under His consideration in Council your letter of the 7th instant, containing several suggestions with respect to the carrying into effect of the new School Act. His Excellency feels that your practical knowledge of the working of the School System entitles your opinion to much weight ; and as the suggestions offered in your Letter appear consistent with the great principles of the School Act, His Excellency has directed that they should be considered in Council with a view to Legislation on the subject during the next Session of the Provincial Parliament. In the meantime, I am instructed to authorize you to adopt such measures as may appear to you expedient, to continue the present Forms and Regulations and to maintain the present system of management of Common Schools in Cities and Towns, so far as you may be able to do so in accordance with the Law.

Toronto, 15th December, 1849. J. Leslie, Secretary.

*Printed on pages 214-221 of this Volume.

VIII. CHIEF SUPERINTENDENT'S CIRCULAR TO SCHOOL SUPERINTENDENTS AND TRUSTEES IN REGARD TO THE CAMERON SCHOOL ACT.

Having received the foregoing Letter from the Provincial Secretary, the Chief Superintendent addressed the following Circular to the District Superintendents and Trustees of the Common Schools in Upper Canada, in regard to the Common School Act and to the Local School Reports for 1849, etcetera:

I adopt this public method of replying to the various inquiries which have been addressed to me, respecting the mode of proceeding at the ensuing Annual School Meetings, to be held at noon on the second Tuesday in January next. I also desire, at the same time, to offer such suggestions as may enable you to pursue the simplest and best course in the performance of your duties for the time being.

In reply to the oft-proposed question,—"Will one, or three, Trustees have to be elected at the approaching Annual School Meeting in each of the present School Sections?" I answer, only one; and, that one in place of the Trustee, whose term of office then expires, to be elected in precisely the same manner as you would have proceeded in the election of a Trustee under the present law of 1846.

This answer is given on the advice of the Honourable Attorney General for Upper Canada, who is of opinion that in the present School Sections, (which, with their present Trusteeship, are perpetuated by the 17th Section of the New Act,) the proceedings of the ensuing Annual Meetings should be conducted, as provided for in the 23rd Section of the New Act, which requires, that

"The Landholders and Householders present shall, by a majority, elect one fit and proper person, who shall succeed the Trustee whose term of office shall then have expired, and the person, then elected, shall continue in office three years, and until his successor shall have been elected: Provided always, that the person whose term of office shall have expired, may be re-elected, if he be willing."

2. Blank Trustees' Reports having, about two months since, been forwarded to the several District Superintendents, for distribution to the various Corporations of Trustees, within their respective jurisdictions I would recommend the Trustees, in all cases, to have these blank reports filled up and read by the Trustees at their Annual School Meetings, and then transmitted immediately to their District School Superintendent. Thus, will their constituents be informed of what has been done by their Trustees-Representatives, during the year, and the year's work which will have been done at the year's end. Every possible care should be taken to fill up every column of the Report correctly. The law imposes a forfeiture and fine upon School Trustees, or Teachers, who shall have been proved to have exaggerated any of their returns, in order to obtain an undue share of the School Fund. Punctuality, correctness, and completeness in Trustees' Reports are at the foundation of accurate and full information in regard to the educational state of the Country. With this fact, I hope that every Corporation of Trustees will be duly impressed. Let nothing prevent them from transmitting their present year's Report to their District School Superintendent within a week, if not within a day, after their Annual School Meeting.

3. In regard to the Official Forms and Regulations, I observe, that the present Forms and Regulations will remain unaltered until the ensuing Session of the Legislature. In all things, that Trustees may be required to do for some months, the present Forms and Regulations will answer under the new Act.

4. The District School Superintendents, having been furnished with Blank Reports, I earnestly request that they will fill them up, (adding up all the columns,) and transmit them to the Education Office as early as practicable, as I wish to prepare and submit my own Annual Report before the close of the next Legislative Session. I trust that District School Superintendents will accompany their Statistical Reports with such remarks on the progress, condition and prospects of the Schools under their charge as their own information and experience will enable them to make, as especially as their term of office, under the new law will expire on the first of next March. I shall be grateful, both on personal and public grounds, if District Superintendents, aided by the School Trustees, will enable me to make the School Report of Upper Canada, for the current year as complete and comprehensive as possible.

Toronto, 18th December, 1849. Egerton Ryerson.

IX. AFTER RELATIONS OF THE REVEREND DOCTOR RYERSON AND THE HONOURABLE MALCOLM CAMERON.

It is gratifying to know that the unpleasant feeling which existed between the Honourable Malcolm Cameron and the Reverend Doctor Ryerson about the

time of the passing of the Cameron School Bill ceased to exist after a while. Mr. Cameron was a man of generous impulses and Doctor Ryerson,(whom I knew so well,) was of too noble a nature to bear personal ill-will to those with whom he differed. In "*The Story of My Life*" by Doctor Ryerson, which I edited in 1880 Doctor Ryerson there refers to Mr. Cameron, and to the episode of the passing of his School Bill of 1849, and its after suspension by the Baldwin Government, under Lord Elgin, of that year. He said :—

Now Mr. Cameron might naturally feel deeply at the repeal of his own Act without a trial ; but, after he had time for further examination and reflection, and a more thorough knowledge of the nature and working of the School System, which I was endeavouring to establish, I believe no man in Canada more sincerely rejoiced than did Mr. Cameron at the repeal of his School Act of 1849, and no man has more cordially supported the present System, or more frankly and earnestly commended the course I have pursued. (Page 426.)

While in Europe in 1854 and in 1856, Doctor Ryerson, under the authority of the Provincial Government, commenced the collection of objects of art for the Educational Museum in the Education Department. While there, he met Honourable Malcolm Cameron; who, after Doctor Ryerson returned to Canada, wrote to him from London on the subject of his mission. In a letter, dated 3rd of January, 1857, Mr. Cameron said :—

I have myself witnessed the result of the labour and reading which you must have gone through with, in order to obtain the information and cultivation of judgment necessary to get the things which our young Canada can afford ; things, too, of such a character and description as shall be useful, not only in elevating the taste of our youth, but of increasing their historical and mythological lore, as well as to inform them of the facts of their accuracy in size and form.

I was much flattered to find that my humble efforts to begin, in some degree, a Canadian Gallery,—by securing a few of Paul Kane's pictures in 1851,—had been followed up by you in your universally-acknowledged enlightened efforts for education, which (in my bitterest moments of alienation from you, (in 1844-1849) for what I esteemed a sacrifice of Canadian freedom, and right to self-government), I have ever cheerfully admitted.

Your determination to obtain a few works of Art and Statuary, a few paintings, prints of celebrities, and Scientific Instruments, has cost you much labour, anxiety and thought, which I never would have conceived of, had I not met you, and gone with you, and seen your notes and correspondence on the subject.

You have passed through many trials, and, in most of them, I was with you. The period that presses on my mind in 1849, (as Lord Elgin said of Montreal), I do not want to remember. God grant that we may see, in all matters for the rest of our few days, eye to eye, as we do now on all subjects in which you are now engaged, publicly and privately. I think God is with you, and directing you aright in that Methodist Conference matter of 1854 which is nearest to your heart, and I am confident that you will have a signal triumph.

Mr. Cameron's avowals, (on the subject of his differences with Doctor Ryerson,) were frank and manly. On the occasion of his nomination as Member for the County of Lambton, in October, 1857, he thus referred to the School System of Upper Canada and its Founder :—

On the whole the System has worked well. The Common Schools are admirable, and had attracted the commendation of the first Statesmen in the United States, and, even in Great Britain, they proposed to imitate Canada.

He (the Speaker) was opposed to Doctor Ryerson's appointment politically ; but he would say, as he had said abroad, that Canada and her children's children owed to him a debt of gratitude, as he had raised up a noble structure, and opened up a way for the elevation of the people. ("*Story of My Life*," *pages 426 and 515.*)

X. SEMI-PRIVATE LETTER TO ATTORNEY GENERAL BALDWIN.

As incidentally connected with the preceding Letters from the Chief Superintendent of Education to the Honourable Attorney General Baldwin, I insert this concluding one. It refers to the Subject of School Libraries, to which the attention of the Government was called in the Letter from Doctor Ryerson to the Provincial Secretary, and printed on pages 221-222 of this Volume.

I returned a few days since from my school visit to Albany, New York and Philadelphia, and collected various duplicate copies of School Laws, Reports and Regulations, with a copy of each of which I will furnish you. In conversing with men officially connected with the administration of the School System in the States of New York and Pennsylvania, I found the views I have expressed to you in my recent Letters confirmed and illustrated by many additional facts.

In regard to the means I have proposed, with a view of introducing and establishing School Libraries in Upper Canada, the most cordial approval of the plan was expressed by all with whom I conversed. Some Books that I showed you in the Education Office, I can make arrangements to procure for half a dollar a copy,—the ordinary selling price being a dollar. In explaining my plan to the senior member of the Publishing House of the Harpers, – the American Publishers of Macaulay's History, and the Publishers of the New York State School Libraries . . . Mr. Harper remarked, that, by means of such a plan as I proposed, the cheapest and best selection of books could be procured for the young people of Upper Canada, which are found in any part of the world.

(There is one subject I take the liberty of mentioning, though it is contrary to my practice to interfere in any matter of the kind. But the peculiarity of it may excuse me on the present occasion. I allude to the appointment of the Honourable Marshall Spring Bidwell as one of the proposed new Judges of Upper Canada) . . .

* * * * *

NOTE.—I have not inserted the remainder of this Letter, as it does not further refer to educational matters. The very notable case of Mr. Bidwell is referred to somewhat in detail in "The Story of My Life" by Doctor Ryerson, on pages 188-198 of that Work. J.G.H.

CHAPTER XV.

PROCEEDINGS OF THE UPPER CANADA BOARD OF EDUCATION, 1849.

January 9th, 1849. A Letter was read from Mr. Joseph Hugill, a Student of the Normal School, under date of the 3rd instant, respecting his retirement from the School, because a Certificate of Moral Character from some accredited Minister was required of him. The Board, however, could not see any reason to depart from the existing rule, making such a requirement absolute in the case of Students receiving weekly assistance.

Mr. Thomas Hyslop, a suspended Student of the Normal School, was restored, on the receipt of the Letter, in regard to him from the Reverend S. W. Waddell of Pickering.

The suspension of Mr. Benjaman C. Greaves by the Head Master was confirmed, and the Honourable Doctor Widmer, who recommended him, was requested to try and have the weekly allowance paid to Greaves returned.

It was ordered that, as recommended, Mr. Thomas A. Ferguson, a Student, be employed as a Monitor at the Head Master's department of the Normal School, at a allowance of 2/6 per week for his services. Various accounts were ordered to be paid, and several minor matters were disposed of.

January 30th, 1849. A Communication from the Head Master was read, enclosing a Letter from the Honourable Colonel Bruce, the Governor General, Military Secretary, stating that His Excellency had been pleased to offer two Prizes one of £5 and the other £2, to be awarded

to the two Students of the Normal School who should best acquit themselves in the Department of Agricultural Chemistry. It was then,

Ordered, That, previous to the official acknowledgement of this generous offer of His Excellency the Governor General, being made the Masters of the Normal School be requested to submit to the Chief Superintendent of Education, for the information of the Board, a scheme by which the examination for the Prizes in Agricultural Chemistry, offered by the Governor General, shall be conducted.

The Chief Superintendent laid before the Board the following Letter, which he had written to the Provincial Secretary, in regard to an additional Clerk in the Education Office, in terms of the Minute of the Board of the first of December, 1848 :—

I have the honour, most respectfully, to request the favourable attention of the Governor-General-in-Council to the annexed Minute, which was unanimously adopted by the Board of Education for Upper Canada, relative to an additional Clerk's assistance in Education Office, connected as it is with the Normal School, as well as with the School System generally in Upper Canada. I laid the subject before the Board at a previous Meeting, requesting the several Members of it to make every inquiry they might think proper, and decide at a subsequent Meeting.

It will perhaps be satisfactory to the Governor-General-in Council for me to explain the means which I have employed to render the Clerkship of the Common School Department efficient, and the circumstances under which additional assistance is requested to perform its duties. After my appointment to the Office, in the Autumn of 1844, I felt it necessary to make myself acquainted with the nature and working of School Systems in other Countries, before attempting to introduce one into this ; and having come to the conclusion, after inquiry and much reflection, that some part of the National School System in Ireland was best adapted to this Country, and desirous of availing myself of a practical acquaintance with the whole system of management in the Dublin Education Office, I arranged with the Commissioners to admit without charge my intended Clerk to their Normal School, and to all departments of their Office, for one year. Having selected as Clerk a young man of early business experience, and whose subsequent good character, methodical industry, sound English and Classical Scholarship, I had had the opportunity of witnessing some years in Victoria College,—the Son of a most respectable Widow resident in Dublin,—I wrote to him from Europe early in 1845, recommending him to let another Person perform his duties in the Education Office and come to Dublin, and make himself perfectly acquainted with the whole Normal, Model, and Educational Office System, as administered by the National Board of Education for Ireland. He did so at his own expense and loss of salary for one year, and brought back Testimonials from Professor Sullivan, Head Master of the Normal School, and from the Commissioners of the National Board of Education in Dublin. These testimonials are appended to my Letter to your Predecessor, dated the 3rd of August, 1846, when I formally submitted Mr. John George Hodgins' name to the consideration of the Governor-General-in-Council for the office of Clerk in the Education Office, under the present Common School Act for Upper Canada of 1846 ; and in no respect have my expectations been disappointed as to his ability, faithfulness and industry.*

There were full duties for an ordinary Clerk in the Education Office before the establishment of the Normal School : the ordinary Office hours have been from nine o'Clock A.M. to five P.M. ; but for more than a year it has been impossible to get through with all the work of the Office without working nearly twice the time of the regular Office hours. It has been found necessary for the sake, both of economy and correctness, to have a supply of all the Books, Stationery, and Requisites for the Normal and Model Schools procured and kept in the Education Office ; everything required to be purchased, or done, in connection with these Schools and the premises, is done through the Education Office, and upon my responsibility ; a Voucher has to be produced for every farthing paid,—even for the weekly payments of the Students,—and the Accounts are kept by double entry.

The additional duties thus devolved on the Education Office may be easily conceived by any man of business. Several months since, Mr. Hodgins' health began to fail under the effects of protracted confinement and labour ; he is no longer able to labour much beyond the Office hours ; which, however, are still from Nine to Five. The Letter Book copying by hand, of the Office is several Months in arrears. Under these circumstances, I have felt it my duty to bring the subject before the Board of Education ; and, in accordance with the recommendation of the Board, I now submit it to the Governor-General-in-Council.

The Board had no doubt, that very much more is being done in the Education Office in respect to the Normal and Model Schools than was contemplated, or is implied, in the clause of the Act of 1846, referring to the " Recording Clerk to the Board and entering all its proceedings in a Book to be kept for that purpose ; " but, as the Education Office has been created and

*This Letter and accompanying Testimonials are inserted on pages 118, 119, of the Fifth Volume of this Documentary History.

constituted by an Act of the Legislature, and is not properly speaking an Office of the Board, the Board thought it most respectful to ask the concurrence of the Governor-General-in-Council for procuring the additional Clerk's assistance required, until Legislative provision may be made, such as is provided by the Statute, 9th Victoria, Chapter 27, Section 34, for the Education Office of Lower Canada, — for which Sixty pounds, (£60,) per annum is allowed for a second Clerk, though there are fewer Schools in Lower, than in Upper Canada, fewer Statistical Returns, required and no Normal School. I pray, therefore, that His Excellency-in-Council will be pleased to allow the same Clerk's assistance for the Education Office of Upper Canada, as has been authorized for that of Lower Canada ; and by the first two paragraphs of Section 3 of the Statute of 1846, 9th Victoria, Chapter 20, there appears to me to be ample authority vested in the Governor-General-in-Council to authorize the Board of Education to do so for the time being. I have only to add, that I have, for some time, been employing a Young Man, upon my own responsibility, to assist in bringing up the arrears of the Office.

TORONTO, 5th of December, 1848. EGERTON RYERSON.

ENCLOSURE. Copy of Minute adopted by the Board of Education for Upper Canada, on the first of December, 1848, referred to in the preceding Communication.

The Board having had under their consideration the representations laid before them by the Chief Superintendent of Schools, in regard to the accumulated duties which devolve upon the Recording Clerk, and their increase since the first establishment of the Normal School, and the necessity of providing additional assistance, in order to discharge these duties efficiently, the Board is desirous that such assistance should be provided, but feel a difficulty with respect to it, on account of their having no distinct authority to grant the necessary allowance out of the funds at their disposal, for the payment of an assistant Clerk, which they deem indispensible ; and it was, therefore,

Ordered, That the matter be submitted to the Executive Government for authority to this Board, to procure the necessary assistance.

The Chief Superintendent also laid before the Board a Letter from the Secretary of the Province, dated the 19th instant concurring in the application of the Chief Superintendent, as suggested by the Board, for an additional Clerk in the Education Office, with a Salary of Sixty pounds, (£60.) per annum. The Board would record this expression of its satisfaction at the readiness with which the Executive Government has complied with their request.

The Chief Superintendent was authorized to pay several accounts submitted to, and approved by, the Board.

February 20th, 1849. The Chief Superintendent submitted to the Board, in accordance with the Minute passed at the last Meeting on the subject, a Series of Regulations, prepared by the Masters, of the Normal School, for conducting the Examination for the Governor General's Prizes in Agricultural Chemistry. The Regulations were amended and adopted as follows : —

I. All Teachers in Training, who, at the close of the Winter Session for 1848-9, are acknowledged Students in the Normal School, and who may have been such for a period of not less than one Session, shall be entitled to compete for the Prizes.

II. That the examination take place on the 9th day of April, 1849 in one of the Lecture Rooms of the Normal School.

III. That the subjects of Examination be the Science of Agriculture, comprehending Agricultural Chemistry the Chemistry of Vegetables and Animals and practical farming, in such manner as shall exhibit the greatest proficiency in this Department of Study and the greatest aptitude in imparting to the young the knowledge they have acquired.

IV. That the examination be conducted by means of printed questions, previously prepared for the purpose, being placed before each Candidate, and that answers, in writing, to such questions be given by the respective Candidates, who shall moreover, be subjected to such oral Examination as shall test their aptitude for practical teaching in the subject.

V. That a period of not more than three hours be allowed to each Candidate for answering the printed questions proposed.

VI. That the questions proposed be prepared by such Examiners as may be appointed by the Board of Education.

VII. That a number of marks be determined upon by the Examiners, previously to the Examination, as the value of a full and complete answer to each question.

VIII. That the Candidate for the Prizes, who may have the the greatest number of such marks, be considered as having successfully competed for the First Prize.

IX. That the Candidate, who shall have the next greatest number of marks, be considered as having successfully competed for the Second Prize.

X. That all Teachers-in-training, who are desirous of becoming Candidates for the Prizes shall state their intention in writing to the Chief Superintendent of Schools, at least fourteen days

before the day appointed for the Examination, which Superintendent shall furnish the Examiners, appointed by the Board, with the names of the parties desirous of competing.

XI. That the Examiners shall send in their Report of the respective merits of the parties examined to the Board on the 14th day of April, 1849, after which a public distribution of the Prizes shall be made by the Chief Superintendent of Schools, or by any other Gentleman show the Board may think fit to appoint to distribute them.

Ordered, That, in addition to the Masters of the Normal School, the following Gentlemen be requested to act as Examiners for the Governor General's Prizes in Agricultural Chemistry, videlicet, Professor H. H. Croft, Francis Neale Esquire, M. A. and Messieurs E. W. Thompson, President of the Home District Agricultural Society, and George Buckland, Lecturer in Agricultural Chemistry in King's College.

Ordered, That the grateful acknowledgements of the Board be offered to His Excellency the Governor General, for His generous grant of Prizes in Agricultural Chemistry to Students in the Normal School; and that a copy of the Regulations adopted this day for competing for, and for the distribution of, those Prizes be transmitted by the Chief Superintendent of Schools to the Private Secretary, for the approbation of His Excellency.

Ordered, That the Chief Superintendent of Schools be requested to communicate to the Gentlemen named as Examiners the fact of their nomination, and to request their acceptance of the appointment.

The Masters of the Normal School reported their weekly Visits to the Normal School Students' Boarding Houses.

March 13, 1849. Ordered, That the Chief Superintendent be pleased to convey to the Honourable Chief Justice Robinson the request of this Board, that he would distribute the Governor-General's Agricultural Prizes to the successful competitors at the conclusion of the Examination of the Students of the Normal School in April next.

Three cases of discipline of Students in the Normal School were reported by the Head Master. The Board regrets that it has been compelled to expel two of the Students concerned.

The Masters of the Normal School reported their Visits to the Boarding Houses of the Students.

March 18th, 1849. Application for restoration of standing was made to the Board by two suspended Students of the Normal School. The Board, however, declined the application of the first, as to accede to his application was deemed to be incompatible with the interests of the Institution, or with those of the Public Schools of the Province. The case of the other Student was considered, and his suspension was continued to the end of the Session.

March 30th, 1849. Letters were received from Messieurs H. H. Croft, E. W. Thompson, F. Neale and G. Buckland, accepting the appointment of Examiners for the Governor-General's Prizes in Agricultural Chemistry.

A Letter was read from Major Campbell, Private Secretary of the Governor-General, conveying His Excellency's approval of the Regulations adopted by the Board for the examination of Students competing for the Governor-General's Prizes in Agricultural Chemistry.

The Masters of the Normal School submitted a form of Certificate for Students, on leaving the Normal School, who would pass the examination required of them at the end of a Session, showing their proficiency in English Grammar, Geography, Arithmetic, Algebra, Geometry, History, Book-keeping, Natural Philosophy, Rudiments of Logic, Chemistry, Linear Drawing and Aptitude to teach. Also as to General Conduct, with reference to Punctuality, Order and Attention to Studies. Proficiency in these Branches to be denoted by the letters A and B, and a, and b. After modification, the form of Certificate was approved, and to it was added the following,

Nota Bena:—The Students of the Normal School are divided into two Classes, and each Class is divided into two Divisions. The standing of the Students is denoted by the first two letters of the Alphabet, A and B, and a and b. The capital letter A, opposite any branch of instruction, denotes that the Student deserved a place in the first, or highest, Division of the first or highest class. The small letter a denotes that the Student deserved a place in the second division of the first Class. The capital letter B denotes that the Student deserved a place in the first division of the second Class; and the small letter b denotes that he deserved a place in the second division of the Second Class.

Ordered, That the following be the Programme of the Semi-Annual Examination of Students in the Normal School, to take place on the 10th—12th of April, (Not inserted.)

The Chief Superintendent was requested to transmit to the Governor General a copy of this Programme, with the expression of satisfaction which the Board will derive from His Excellency's attendance at the closing exercises of the Examination, should it meet with his personal convenience to be present. The Chief Superintendent was also requested to invite the principal citizens and the public generally to be present at the Examination:

Ordered, That Mr. John H Sangster, Acting Assistant Teacher in the Boys' Model School be appointed Assistant Teacher therein, at a Salary of Seventy-Five pounds currency, (£75,) per annum,—the appointment to take effect from the first of January, 1849.

Ordered, That the Chief Superintendent be authorized to pay to Mr. John H. Sangster at the rate of One pound per week from the period of his first connection with the Boys' Model School, as Acting Assistant Teacher, up to the 31st of December, 1848,—being, in all, twenty-two weeks.

Ordered, That Mr. Archibald Macallum, having, by accepting the appointment of Senior Teacher in the Model School, (made by this Board on the 31st of last October,) with the consent of the Council of the Ottawa District, relinquished his prospects in that District, under the auspices of the Council of that District, and being required to refund to that Council the money advanced to him by it, towards defraying the expenses of his board, while attending the Normal School, there having been then no weekly allowance made to Mr. Macallum during that period from the Normal School Funds, towards the payment of his Board, as was done to the other Students, under the Standing Regulations, the Board deems it just to place Mr. Macallum on the same footing as other Students, who attended the Normal School during the first and Second Sessions. It was therefore,—

Ordered, That Mr. Macallum be paid five shillings per week for these Sessions, or such parts of them as he was in attendance.

The Masters of the Normal School sent in their weekly report of official Visits paid by them to the Boarding Houses of the Students.

April 23rd, 1849. A copy of the School Bill, introduced into the House of Assembly by the Honourable Malcolm Cameron was submitted to the Board by the Chief Superintendent of Education. After consideration, the following Minute was passed in regard to these portions of the Bill relating to the Normal School :

The Board of Education for Upper Canada having had before them a copy of the Bill introduced into Parliament, by The Honourable Malcolm Cameron, a Member of the Provincial Government, in regard to Common Schools, and the Provincial Normal and Model School, for Upper Canada, and conceiving it to be of the greatest importance that adequate funds should be immediately provided, for the proper maintenance of the Normal and Model Schools, during the approaching and succeeding Sessions, they request the Chief Superintendent of Schools, (one of their number,) to proceed to Montreal, and urge the Members of the Government, to include in the present Bill of 1849, the necessary provisions for that purpose.

A letter was received from Chief Justice Robinson, stating that he would be happy to be present at the Examination to deliver the Prizes in Agriculture Chemistry.

May 8th, 1849. A Report was received from the Examiners for the Governor-General's Prizes in Agricultural Chemistry, giving the results of the examination.

A Letter was received from the Head Master of the Normal School, suggesting certain alterations in the Boys' Model School, so as to permit the admission to the School of One hundred and fifty pupil's It was,

Ordered, That the Chief Superintendent be authorized to employ a Carpenter to carry into effect the recommendations of the Head Master of the Normal School, in regard to the enlargement of the Boys' Model School ; also, to have constructed a plain wooden press in one of the Rooms of the Education Office for the safe keeping of the School Books, when not in use in the Normal School ; also to procure a dozen fire buckets for use as the Buildings ; and to have the necessary blank forms for use in Normal School printed.

The Chief Superintendent reported verbally, in reference to his recent visit, by request of the Board, to the seat of Government, that he had arrived there just after the burning of the Parliament House, and found everything in confusion ; but that the Honourable Inspector General Hincks assured him, on the part of the Government, that the wishes of the Board would be complied with : and that provision would be made to meet the additional expenditure, in affording facilities to Students attending the Normal School during the current year ; that he had left everything in the hands of Mr. Joseph C. Morrison, M. P., and a Member of this Board, who stated that he would watch the progress of the Cameron School Bill, and see that provision was made for the support of the Normal School during the current year, in accordance with the assurance of the Honourable Inspector General Hincks, on behalf of the Government. The Superintendent farther stated that since his return he had applied to the Secretary of the Province for an additional Five Hundred pounds, (£500,) in a Letter to him, dated the 7th instant, which he read as follows :—

The Governor General-in-Council having concurred in the recommendation of the Board of Education for Upper Canada to appropriate a sum out of the Legislative School Grant, not to exceed One Thousand pounds, (£1,000,) per annum, to facilitate the attendance of Candidates for School Teaching at the Normal School, and having, last Autumn, advanced the sum of Five Hundred pounds, (£500,)

for that purpose, I have the honour . . . respectfully to request that the Governor General-in-Council will be pleased to order a Warrant to issue in my favour for the remaining sum of Five Hundred pounds, (£500,) in Debentures, of the One Thousand pounds, (£1,000,) already granted, to be deducted from the additional amount apportioned to Upper Canada, on a new division of the Fifty Thousand pounds, (£50,000,) grant.

The Chief Superintendent was requested to direct The Bank Agent of the Education Department in Montreal, to sell Three Hundred pounds, (£300,) worth of Debentures, out of the Five Hundred pounds, worth (£500,) applied for, in his Letter to the Secretary of the Province of the 7th instant.

Ordered, That, in future, all accounts against the Provincial Board of Education be paid quarterly, and that such accounts be presented for the approval of the Board, on the first day of January and on the first day of each suceeding quarter.

The application of the Trustees of the Midland District Model School to have their late Teacher, (who was expelled from the Normal School,) restored to his original standing, having been considered by the Board, it was agreed that it would not be compatible with the interests of the Public Schools of the Province to comply with the request of the Trustees.

Several accounts were approved and ordered to be paid.

May 22nd, 1849. Professor Croft, Secretary of the Horticultural Society of Toronto, having applied for, on behalf of the Society, permission to hold their Spring Exhibition in the Normal School, (Government House,) Grounds on the 31st instant it was, —

Ordered, That the request of the Horticultural Society be granted.

The accommodation of the Boys' Model School having been increased, so as to admit of One hundred and fifty additional pupils it was,—

Ordered, That Three hundred pupils be admitted to the School on the first Monday in June, and that from, and after, that day the fees for admission to it be raised from two to three pence per week, and that public notice thereof be given, in accordance with the above arrangement.

June 5th, 1849. A Letter from Mr. A. W. B. McDougall of Pelham was laid before the Board, stating that objectionable American School Books were being used in the Schools,—that many provisions of the School law "were both covertly and overtly evaded in many places in the Province" . . . and that "the American Rebel Declaration of Independence, of the 4th of July, 1776, is suspended in some Canadian Schools, with Lexington and Bunker Hill pictures," etcetera. In regard to this matter it was,—

Ordered, That the Chief Superintendant be pleased to transmit a copy of Mr. McDougall's Letter to the School Superintendant of the Niagara District, and draw his attention to the matter stated therein.

A Letter from Mr. Ruttan of Cobourg was read, in which he proposed to erect heating and ventilating apparatus in the Normal School. It was,—

Ordered, That the Chief Superintendant, be pleased to acknowledge the receipt of Mr Ruttan's Communication, and inform him that, owing to the uncertainty of the tenure of the present Normal School Building, —(Government House,) by the Board, and the introduction of a new School Law, which may affect the constitution of this Board, it is not deemed expedient to make the arrangement in the Normal School which he proposes.

The Chief Superintendent stated that the Mayor of Toronto had applied to him for permission for the Band of the Rifle Brigade to play in the Normal School, (Government House,) Grounds some day in each week. It was,—

Ordered, That as the Grounds are closed on Thursday, Wednesday be suggested as the day on which the Band might play.

July 10th, 1849. A Letter was received from Professor Croft, Secretary of the Horticultural Society of Toronto requesting permission for the Society to hold the new summer Exhibition in the Normal School, (Government House,) grounds: It was,

Ordered, That the Chief Superintendent be pleased to reply to Professor Croft's Letter, acceding to the request of the Horticultural Society, but intimating, at the same time, that the Board request particular attention to the Regulations of the Board relating to these Grounds, on the part of persons connected with the Society.

A number of accounts were approved and ordered to be paid.

October 2nd, 1849. *Ordered*, That the Programme submitted by the Masters for the examination of the Normal School Students, on the 10th—12th instant, be approved and printed.

Ordered, That a copy of the Programme of Examination be transmitted to the Governor General, and that the satisfaction of the Board be expressed, should His Excellency be able to be present at the Examination.

Ordered, That there be a Vacation of two weeks in the Model School, to commence on the 15th instant.

Several accounts were approved and ordered to be paid.

October 31st, 1849. A Communication was received from the Honourable Malcolm Cameron, Assistant Commissioner of Public Works, dated this day, stating that the Goverment would require immediate possession of the Government House and premises. It was,—

Ordered, That a Committee, consisting of the Chief Superintendent and Mr. James S. Howard, be appointed to obtain a suitable Building for the Normal School.

November 20th, 1849. The Committee appointed at the last Meeting to procure a suitable Building for the use of a Normal School, in lieu of the Government House, now required by the Government, submitted a Correspondence held by them with the Committee of the Temperance Hall, showing that they had obtained the use of that Building for six months, for the sum of fifty pounds, (£50,) Currency, together with the expense of some necessary alteration as set forth in two Letters from Mr. A. Christie, Secretary of the Temperance Committee, dated the the 3rd instant, and on behalf of the Board by the Chief Superintendent, in a Letter, dated the 8th instant. The arrangement, as agreed upon in said Correspondence for the temporary occupation of the Temperance Hall premises, was approved.

The Chief Superintendent, having brought under the notice of the Board the necessity of some further provision being made for the instruction of the Students and Pupils of the Normal and Model Schools in Writing and Practical Book-Keeping, it was,—

Ordered, That measures be immediately taken to procure an additional Instructor in this Department: That the attendance of such Master be for eight hours each week between the Normal and Model Schools, under such Regulations as may be found most convenient, in connection with the exercises of the Normal and Model Schools, and that the allowance for such service be at the rate of Fifty pounds, (£50,) per annum.

Ordered, That the Chief Superintendent of Schools be requested to advertize for candidates for the situation in the Colonist and Globe newspapers,—two insertions in each.

An application from Mr. Charles Robert Loscombe to admit his son to the Normal School, although under the age specified in the Terms of Admission, was laid before the Board. It was considered that a deviation from the rules was highly objectionable; and that, therefore, the application of Mr. Loscombe could not be complied with. The Board, however, agreed to admit Robert R. Loscombe for the present Session, without exacting the fees usually charged to paying pupils, who are not preparing for the duties of Common School Teachers. This was done, in consideration of his being the Son of a Teacher in this City. The admission, without payment of fees, not to include Books, or to entitle the pupil to a Certificate at the end of the Session.

An application fron Mr. Patrick Farrell to be admitted as a Student in the Normal School having been submitted to the Board, it was,—

Ordered, That, as his Testimonials are deemed insufficient, it be not complied with.

November 29th, 1849. The Chief Superintendent having intimated to the Board, that Mr. Archibald Macallum, Senior Teacher in the Boys' Model School, would willingly undertake the Department of Bookkeeping in the Normal and Model Schools, for which he is, from previous experience, well qualified, it was,—

Ordered, That Mr. Stacey's application be accepted, and that the Chief Superintendent and the Masters of the Normal School make such arrangements for the teaching of Bookkeeping, either by Mr. Macallum, or Mr. Stacey, as they may think expedient.

The Board having had under its consideration the representations laid before it by the Chief Superintendent, in regard to the onerous duties which devolve upon the Mathematical Master and Lecturer in Chemistry and Natural Philosophy in the Normal School, deems it equitable that an additional remuneration should be made for the services of said Master, it was therefore,—

Ordered, That from and after the first of January, next, the salary of the Mathematical Master be increased to Three Hundred pounds, (£300,) currency, per annum.

December 18th, 1849. The Head Master having reported highly improper conduct on the part of two Students of the Normal School, and having explained to the Board the nature of the offence it was,—

Ordered, That the two Students concerned be dismissed from the Institution.

The Chief Superintendent having represented to the Board that Mr. Thomas Johnston, General Servant and Gardener in the Normal School had been obliged to give up his apartments in the Government House Building, in consequence of the removal of the Offices of the Government to Toronto, and as the Board had agreed to furnish him with a residence on his appointment, it was, therefore,—

Ordered, That the salary of Mr. Thomas Johnston be increased to Sixty pounds (£60,) per annum from the period of his removal from the Government House Building.

A number of accounts were approved and ordered to be paid.

CHAPTER XVI

LORD ELGIN AND EDUCATION,—HIS AGRICULTURAL PRIZES, 1849.

It was at a critical time in our educational history that Lord Elgin arrived in Canada as Governor General. Chapters XIII, XIV and XIX, in the preceding Volume, (Seven,), and Chapter V of this Volume, show how wide-spread was the feeling at this time, in Upper Canada, against the principle of taxation for the support of the Schools. This feeling was not only held by individuals, but was also officially acted upon by Municipal Councils; and, in Toronto, rather than impose a rate for the maintenance of Schools, its Council preferred to shut up the Schools of that City in 1848.

It was at this period of our educatianal history that Lord Elgin first came into official contact with our Educational System. Being familiar with the Scottish Parochial School System, he soon mastered the whole subject, and perceived the great importance to the Country of the question which was then being so warmly discussed.

I recall with satisfaction the great services which Lord Elgin then rendered to the cause of education, at a critical period of its history in this Province. His speeches and addresses on the subject at that time had a wonderful effect in moderating the opposition which Doctor Ryerson received while laying the foundations of our System of Education. They had also the potent effect of popularizing that System in the estimation of the people, which it was designed to benefit. That popularity has, happily, continued to this day, thanks, in a great degree, to the interest created in the subject by the persuasive eloquence of Lord Elgin. His eminence as a distinguished graduate of Oxford, and his general knowledge of European Systems of Education, enabled him to speak with a precision and certainty, which few could gainsay. It was a gratifying fact that he identified himself personally, as well as officially, throughout the whole of his seven years' administration, with the general education and intellectual improvement of the people of Canada.*

Upper Canada, being largely an Agricultural Country, Lord Elgin highly approved of the course pursued by the Provincial Board of Education in making Agriculture a part of the instruction given in the Normal School; and, being desirous of encouraging it, he established two Agricultural Prizes,—the one of Five pounds and the other of Three pounds,—to be awarded to the two Students who should, at the end of the each half year's Session, stand the best examination on the subject of Agricultural Chemistry. Such a practical expression of His Excel-

* Ryerson Memorial Volume, (1889), page 85.

lency's desire to connect the science of Agricultural with Common School instructions in Upper Canada exerted a gratifying influence on the Students in the Agricultural department of the Normal School. It also increased the interest in the subject generally throughout Upper Canada.

In the "Proceedings" of the Provincial Board of Education, recorded in the preceding Chapter, it will be seen what was that action taken by that Board to give full effect to the thoughtful and generous act of Lord Elgin, in establishing these Prizes. That act had also the effect, not only of stimulating the desire of the competing Students to excel,—not more for the satisfaction of winning their prizes, than, indirectly,—to show how highly this patriotic act of His Excellency was appreciated.

The impetus which was thus given to the study, in the Normal School, of this special and interesting subject of Agricultural Chemistry, induced the Provincial Board of Education, in consultation with the Masters of the School, to enlarge the scope of the course of elementary Study prescribed for Agriculture in 1848. Regulations were adopted for the conduct of the Examination, and submitted for the approval of the Governor General; and a series of questions,—very full and comprehensive,—were prepared by the Examiners appointed to conduct the Examination. Being of historical interest, as the first series of questions proposed for this unique Examination, in a School solely intended for the training of Teachers, so as to fit them for giving instruction in the elementary branches of an ordinary English Education, I insert these questions in this place, as follows :—

EXAMINATION PAPER, PART I., FOR THE GOVERNOR GENERAL'S PRIZES IN AGRICULTURAL CHEMISTRY IN THE NORMAL SCHOOL, APRIL 7TH, 1849.

1. What is the object of the study of Agricultural Chemistry?

2. Name the forces, whose effects it is the province of Chemistry to investigate; describe their mode of action, and state the distinction existing between Chemical forces and other forces influencing matter.

3. Into how many departments is the Science of Chemistry divided, and of what do they respectively treat.

4. Name the so-called organic elements; associate with each, its symbol, combining number, specific gravity, and remarkable properties; also, state the names of some compound substances of which one, or more, of these elements form important constituents.

5. Name the so-called inorganic elements, which usually enter into the composition of vegetables and animals.

6. What is meant by the terms "adhesion," or "heterogenous attraction"? Into how many orders is adhesion divided? Illustrate its several orders by examples.

7. What is an acid, a salt, an alkali? Give examples of each class, and affix to each example its symbol.

8. What is Carbonic Acid? Give its symbol. How many pounds of Carbon are there in two hundred and twenty pounds of Carbonic Acid? How would you exhibit the presence of Carbonic Acid in Air? in Limestone?

9. How would you exhibit the presence of Carbon in plants, and of nitrogen in the atmosphere?

10. Exhibit the exact composition of Atmosperic Air. State its pressure on the square inch. What products are formed by the passage of lightning through the atmosphere? Give their symbols. In what ratio does the atmosphere decrease in density, as you rise above the level of the sea?

11. What is the composition of Water? What are its most important properties?

12. What is Oxidization? What is combustion?

13. Name the inorganic acids and oxides, salts and alkalies, commonly found in vegetables, and give their symbols.

14. What is the nature of caloric? How does it effect bodies? In how many states may it exist? What measure of caloric is required to convert water into steam? Upon what circumstances does the boiling point of water depend?

15. How would you illustrate by examples the conversion of latent into sensible heat, and the contrary? Explain the phenomena of freezing mixtures. State the effect which an evaporating substance will produce upon surrounding bodies.

16. What is the cause of the development of heat during the decomposition of vegetable, or animal, matter?

17. Explain the phenomenon of dew. What is the dew point? State the conditions required for the formation of dew. How would you exhibit the deposition of dew? Why does dew fall sooner on some bodies, than on others?

18. What is Silica? What purpose does it mainly serve in the economy of vegetables and animals? What conditions are necessary, in order that water may dissolve it?

19. In what form does phosphorus exist in vegetables? What do you mean by phosphates? Name the phosphates usually found in animals and vegetables. In what state does phosphorus exist in the inorganic world?

20. What remarkable property is common to potassium and sodium?

21. State into how many parts a vegetable may be divided, with respect to its structure; and name them.

22. Trace the course of the sap; mention the changes which are supposed to take place, when it arrives at certain parts of the plant.

23. What are the functions of the roots,—of the leaves? How do the trunks of dicotyledonons vegetables increase in dimensions?

24. State the sources from which plants derive their organic elements and give the symbol of each compound that you may mention.

25. State the distinction between proximate and ultimate, principles, and name the proximate principles found in any considerable quantity in vegetables.

26. What are insomeric compounds? Give some examples which occur in vegetable chemistry.

27. Name those proximate principles which are common to plants and animals.

28. Illustrate the composition, by means of symbols: first, of grape sugar; second of cane sugar; third of gum; fourth of starch.

29. Into what proximate principles may grape sugar be resolved, when it suffers decomposition?

30. Explain the transformation, by means of symbols, which takes place when grape sugar is, in part, converted into alcohol, and then into vinegar.

31. From what sources are the inorganic elements of soils originally derived?

32. What elements are essentially necessary in the composition of a fertile soil?

33. In what state must all inorganic elements be before they can enter into the composition of vegetables?

Examination Paper in Agricultural Chemistry; Part II. 1849.

34. What is the object of poughing the soil? Explain the difference between surface ploughing and sub-soil ploughing.

35. What is the object of draining? And state the various effects which careful ploughing, sub-soil ploughing, and thorough draining may be supposed to produce upon the condition of the soil.

36. Name the depth, breadth and width of a drain generally constructed for the purpose of thorough draining. Draw a sectional diagram of two, or three, different kinds of drains. How far apart would you place your drains? 1st., in heavy land; 2nd., in light land; and how would you place them in draining a hillside?

37. Name the inorganic elements, which enter largely into the composition of the cerealia.

38. State the composition of common granite rocks, and name all the substances which a decomposed granite rock may be supposed to give to the soil.

39. How may the decomposition of mineral substances in a soil be accelerated? What is clay, and how would you accelerate the decomposition of clay silicates? What object would be secured by such decomposition?

40. State the various reasons which induce Farmers to apply manures to the soil.

41. Illustrate by examples the various modes in which, 1st., vegetable; 2nd., animal; 3rd., mineral, manures may fertilize the soil.

42. Why is farm-yard manure a good fertilizer? What is the character of the fluid portion of farm-yard manure?

42. State the nature of the change which takes place upon the decomposition of urea. Why is the resulting compound beneficial to vegetables? Give its symbol. What peculiar property does it possess, and how would you render it serviceable?

44. How would you accelerate decomposition of organic matter in the soil? What purpose is served by the decomposition of organic matter?

45. Name the compounds which are the ultimate results of the decomposition of organic matter.

46. Explain the principles upon which the benefits, arising from a proper rotation of crops, are dependent.

47. What inorganic compound does milk contain in abundance? State the source of that compound, and the purposes it serves in animal economy. With what substance would you manure your pastures in order to increase its quantity in the milk of Cows?

48. What is the compostion of gypsum, of common salt, of lime? and for what purposes would you lime, 1st., heavy clay land, containing but little carbonate of lime; 2nd., peaty soils.

49. State the composition of a marl.

50. What is meant by the fallowing of land? For what purpose do Farmers fallow land?

51. What purposes do the proximate principles, found in the vegetables, which contain nitrogen, serve in the animal economy?

52. What purposes do non-nitrogenized proximate principles serve, and in what form are they chiefly given off by the animal?

53. Give a list of the nitrogenized and chief non-nitrogenized proximate principles found in vegetables.

54. What inorganic substances enter largely into the animal frame?

55. Trace the course of the food from the mouth to the time of its being prepared to mingle with the blood.

56. Trace the course of the blood from the left auricle of the heart through the animal frame.

57. State the nature of the change which takes place in the blood, when in the lungs. In what other parts of the system does a change take place in the chemical composition, in an inorganic portion of the blood? Illustrate that change by means of symbols.

58. What peculiar property does saliva possess, and what purposes does it serve in the animal economy?

59. Upon what order of adhesion is the effect of alcoholic liquors supposed to be suspended?

60. What is the theory of the transformation which takes place when milk is brought in contact with an animal membrane, as in the curding of milk?

61. Explain the reason why meat, well boiled in large quantities of water, is not nutritious. And how would you prepare the strongest soup from a given quantity of meat? In what way, would the mode of preparation differ if you prepared the meat alone for consumption?

62. Why is salted meat deficient in nutritious qualities?

63. From what source do the young of mammiferous animals derive their bony structure? Express the chief proximate inorganic principles in symbols.

64. Upon what four conditions is the healthful flow of the various acqueous currents in the animal body and in the vegetable, dependent?

65. What is the primary cause of "colds," and of that determination to disease, which has of late years been exhibited by many vegetables, especially in the tubers of the potato?

66. What remedy, in part, would you suggest with reference to vegetables?

Nota Bene. – An oral examination will take place after the time for answering the foregoing questions has elapsed, for the purpose of ascertaining the relative knowledge of the candidates, on the subject of Practical Agriculture, as well as to test their aptitude to communicate to pupils a knowledge of Agricultural Chemistry, in all its branches.

III. LORD ELGIN'S PRIZES, AND THE NORMAL SCHOOL EXAMINATIONS.

At the Normal School Examinations of April and October 1849, the Governor General's Prizes in Agricultural Chemistry were for the first time distributed. The Governor General was not able to be present at the April Examination, but Chief Justice Robinson had been requested to represent him and he distributed the Prizes on that occasion.

At the October Examination, Lord Elgin was present and took part in the proceedings, and delivered, on the occasion, one his characteristically practical and notable speeches.

In the course of his remarks, His Excellency deprecated the tendency, in a new Country, like Canada, to unduly exalt the professions, in the estimation of young men to that of the pursuits of Agriculture,—an independent and honourable calling. As a practical and able advocate of education generally, Lord Elgin expressed the great pleasure which he always experienced in "fostering and promoting elementary instruction."

At the opening of the proceedings the Chief Superintendent explained what the object was, at which the Governor General aimed, in giving the Prizes in Agricultural Chemistry. He also stated what were the proceedings adopted by the Provincial Board of Education, so as to give effect to the benevolent wishes of His Excellency; that Lord Elgin highly approving of the introduction of Agricultural Science, as a branch of instruction in the Normal School, proposed to encourage the study of it, by establishing two prizes in Books,—the one to the value of £5, and the other of £3, to be given to the two students, who should, at the half-yearly Examination, exhibit the best knowledge of the Science of Agriculture, and corresponding ability to impart the knowledge which they had acquired; that the Board had proposed certain Regulations, which had received His Excellency's approbation, in regard to the competition and examinaton for the Prizes. The Professor of Chemistry and Experimental Philosophy in King's College, and three Agricultural Gentlemen of high standing, had been requested to act with the Masters as Examiners. These Examiners had met and agreed upon the Examination, and the value of each question, in marks, according to its importance and difficulty. The total value in marks of complete answers to all the questions was fixed at 700. Thirty-two students, including several females, had competed. The examination had been conducted on paper, and had extended to some hours, including also an oral examination.

Lord Elgin was present at the October Examination. After the Chief Superintendent had spoken,

His Excellency the Governor General said: that he felt indebted to Doctor Ryerson for the very kind manner in which he had referred to him on that occasion.—There were few duties more important, and none the obligations of which were more pleasing to him than that of fostering and promoting elementary instruction. He took a lively interest in the educational interests of this Country, and felt a very peculiar interest in that day's proceedings. Doctor Ryerson had anticipated him in relation to his intention of making the prize bestowed at the last examination, a semi-annual one. If he were at all disposed to criticize any expression of

Mr. Hind, it would be that which seemed to imply that Agricultural Chemistry was rather more of the ornamental than of the useful, and would not likely be very generally introduced into the Common Schools of the Country. He thought otherwise. He regarded it far more useful than ornamental. He was of opinion that Chemistry should be studied on the grouud of its utility. A knowledge of science was essential to success in agriculture. In new countries, like Canada, the general tendency is to elevate the several professions above agricultural pursuits. The other day he chanced to overhear a respectable Farmer, in good circumstances, and with several children, say, that he meant to "make a man" of one of his boys. He, (His Excellency,) was surprised to discover that the Farmer meant, that he intended to make him a Minister, a Doctor, or a Lawyer! Thus he was to "make a man" of him, as if he would not be equally respectable were he to be a Farmer. One way to correct that idea was to give to the young an agricultural education; to elevate himself intellectually. He did not undervalue the professions—far from it,—but he was not disposed to exalt them above the honourable pursuit of farming.

At the Examination of the Normal School in April, 1849, the Chief Superintendent said, that, with a view to give effect to the intentions of His Excellency, in instituting the prizes in Agricultural Chemistry, the Chief Justice had been requested by the Board of Education (in the absence of Lord Elgin), to distribute the Prizes, and he had kindly consented to do so.

The Honourable Chief Justice Robinson then spoke for about twenty minutes, in his own happy style of charming eloquence. He expressed his regret, that the Governor General could not himself have been present to deliver the Prizes as he was sure His Excellency would have experienced great pleasure in witnessing the gratifying results of the labours of the conductors of the Normal School. From an address which he had heard the Governor General deliver at an annual meeting of the Provincial Agricultural Society, he was persuaded that His Excellency possessed much more than a theoretical knowledge of the Science of Agriculture.

The Chief Justice stated how much pleasure and profit he had experienced in attending the public Examination, and in witnessing the very able manner in which it had been conducted, the practical and thorough system of instruction pursued, and the great progress which the Students had made; he dwelt upon the influence on personal enjoyment of the study of Mathematics,—the Science of Demonstration,—which many present might have occasion to teach.

He congratulated all present upon the advantages which the Normal School was conferring upon the whole Country. In adverting to the subject of the Prizes, the Chief Justice remarked upon the importance of some knowledge of Agricultural Chemistry and of Science generally to the Common School Teacher, and spoke of the laudable competition for the Prizes which had been maintained by a large number of the students. The Chief Justice referred to the fact, that those who had gained the Prizes were farmers' sons, and had been Teachers before coming to the Normal School and intimated, that their success might in part be attributed to their practical knowledge of farming. He exhorted them to persevere in the course which they had so honourably commenced, and which would be facilitated by the valuable Books now presented to them by him.

IV. LORD ELGIN AT THE TORONTO UNIVERSITY CONVOCATION OF 1849.

In addition to the part which Lord Elgin took in the distribution of his Prizes in Agricultural Chemistry to the Students of the Normal School, he also attended, as Chancellor of the University, the Convocation of King's College, in October, 1849.

Among the many able and eloquent speeches on educational topics which the Governor General made, during his stay in Canada, from 1847 to 1854, few surpassed the one delivered by him at this Convocation of the University of Toronto, in 1849. Its suggestive and cautionary historical references were made all the more effective by the very graceful manner in which he quoted the examples of the classic nations of antiquity, "whose deeds of war and chivalry were tempered by a reverence for the beautiful and good, and by a generous spirit of self-sacrifice. And yet," (he said), "as we pass by the monuments of such Cities of

Carthage and of Tyre, we find written upon them the solemn warning of the greatest and wisest of men, Vanity of Vanity,—all is Vanity," It was at the close of the Convocation proceedings, which were throughout, of a very interesting and imposing character, that His Excellency, the Chancellor, rose and addressed the audience in a clear and distinct voice, as follows :—

I am informed by the Reverend the Vice Chancellor, that it is customary on these occasions for the person who has discharged the functions of Chancellor, to address a few observations to the audience, with a view of communicating such information as he may be able to furnish, with respect to the state and condition of the University. I feel that I shall discharge this office very imperfectly. . . .

I cannot conceal from you my opinion, that, so long as the seat of Government was at a distance from Toronto, it was not in the power of the Governor General to discharge the duties of Chancellor of this University in a manner altogether satisfactory to himself, or beneficial to the Institution. I am very glad that it is in my power to make this avowal on the present occasion, in the presence of the learned Professors, and of other Gentlemen who are interested in the welfare of the Institution, . . . I am indebted to the Vice-Chancellor for some information which I shall be happy to give you.

It appears, that, since the year 1843, when this Institution was opened, two-hundred and fifty students have been entered upon the books, that seventy degrees have been conferred, that there have been fifteen Medalists and four " Wellington " scholars, and no one that has had the opportunity that I have had of forming an opinion, with respect to the quality of the education which is given here, can doubt that this Institution has already conferred vast benefits upon Canada.

And let me observe, that very peculiar importance attaches to the cause of education here among us in Canada at present. I speak now not principally of the general, or Common School Education in which the masses of the community may participate, but of education in its highest branches,—of education of that quality which requires such a sacrifice of time and labour as few only of the members of the community can afford to give.

It appears, from statistics which may be depended upon, that the population of Western Canada has, during the last thirty, or forty, years, doubled itself in each decennial period, and other statistics, no less reliable ; and indeed the observation of any person, who has travelled through the Country and seen the excellent Houses, the well-cultivated Farms, and other indications of comfort and prosperity to be met with on every side, show that individual comfort and well-being have been advancing amongst us at least with equal strides.

Now, surely, under the circumstances, it is incumbent upon us to use every exertion lest the material progress of the Country should outstrip its intellectual progress. Lest wealth and luxury,—increasing without a corresponding increase in those tastes and habits which accompany a high state of civilization ; should, like rank and noisome weeds, spread over the surface of our society. Let me assure you that the apprehension which I have now expressed is by no means chimerical, for we live in an age and, in a condition of society, more favourable to the growth of what may be called "acquisitive propensities," to the exclusive growth of the commercial spirit than any which has existed before in the history of the world.

An Interesting and Instructive Historical Retrospect of the Past.

And what, does that history tell us, with respect to the fate of those communities, in which that spirit has inordinately and disproportionately grown and developed itself ? Even now we linger with fond affection among the ruins which were adorned by the generous art of Phidias, among groves and temples which have echoed the profound teachings of Aristotle, the transcendant philosophy of Plato, the brilliant and persuasive eloquence of Demosthenes, the fervid lays of Æschylus and Pindar, the chaste measures of Sophocles and Euripides. Nay, more than this, a lurid grandeur hangs, like a halo, over the memory of those rude and gallant people, whose deeds of war and chivalry were tempered by a reverence for the beautiful and good, and by a generous spirit of self-sacrifice. But we pass by the monument of such cities of Carthage and of Tyre, and what do we find written upon them except the solemn warning, " Vanity, of vanity, all is vanity."

What does this Striking Lesson of Antiquity Teach us in Canada ?

There are upon this Continent Cities which, in an infinitely shorter space of time, have engrossed commerce and accumulated wealth far exceeding that of Carthage or of Tyre. And, although it be true, that our progress in Canada has been more equable, that it has been more generally diffused over the Country, as well as in Towns, and that, therefore, we have no reason

for the same degree of apprehension here, yet can we say that the caution which I am now giving you is altogether uncalled for, when we find that questions, most deeply affecting the well-being of ourselves and of our children,—questions involving the highest considerations of public duty, and of public morals,—are discussed and determined in with an exclusive reference to commercial considerations.

What Education, in its Highest Form, can do in Keeping this Spirit in Check.

Now, Gentlemen, among the agencies which I believe to be most potent in keeping this spirit in check —a spirit, allow me to say, which is most valuable and useful within its proper sphere, but most dangerous when allowed to transgress beyond it, is education,—an education such as a University can give,—an education which proceeds upon the assumption, that it is well for man that his highest faculties should be cultivated,—an education which proceeds upon the assumption that knowledge is desirable for its own sake alone, independently of the advertitious advantages which it affords to its possessors.

We all know how frankly and unreservedly the philosophers of the olden time admitted this great truth ; we know that the best and purest among them based their conception of human felicity upon earth, not on the acquisition of wealth, or honour, or in the hot chase after such transitory good, but in a condition which was designated by them by the term Schŏla,—a condition of beatific repose,—in which the highest faculties of the human soul, secure from perturbations from without, and from the cravings of appetite within, might be enabled peaceably to energise.

It may be true that we cannot, as practical men, or as Christians, accept, without qualification, this ideal of the heathen philosophy. It may be true, as it undoubtedly is true, that few among us can expect, while we are in this militant condition, to be able to give to those who would counsel us to take repose, any other reply than that which was given by a lion-hearted Hero of the Church, at the time of the Reformation, to the friends who tendered to him similar advice, in these memorable words : " Rest, Rest, have we not eternity to rest in ?"

It may be true, as undoubtedly it is true, that we have a better and surer definition of Schŏla than any which the schools can furnish in the sublime but simple sentence " Ara apoleipetais abbatismos to lao tou Theou. Nevertheless, I feel that the University of Toronto has a high office to perform,— to hold aloft the Lamp of Science above the mists and murky vapours that would obscure its lustre ;— to inculcate constantly and steadily a love for all that is loveable and " of good report," and to point to those sublime heights which can only be scaled by the patient, perservering, and single hearted. God, in his mercy grant, that, under all vicissitudes and changes, under all circumstances of season and of time, the University of Toronto may ever remember how holy and how important are its real functions !

CHAPTER XVII.

EDUCATIONAL PROCEEDINGS OF DISTRICT MUNICIPAL COUNCILS 1849.

I insert the following extracts from the official proceedings of various District Councils, chiefly with a view to show what were the opinions of the rural constituencies on school matters, as differing in a degree from those in Cities and Towns, and in official circles.

It will be noticed that the following Report of the Education Committee of the Home District Council, (in continuation of a similar Report in 1848 of the same Council on page 65 of this Volume). This Report is somewhat stilted in its phraseology and, therefore, it lacks clearness and precision.

I. REPORT OF THE EDUCATION COMMITTEE OF THE HOME DISTRICT COUNCIL.

Report to the Home District Council of the Standing Committee on Education, on the state of the Common Schools in the District.

Upon a subject so important as that of Education generally, involving, as it does, the essential principle of conducing, by the diffusion of knowledge, to the available power of man, and acting at the same time, as the regulator and director of the development of that power,

your Committee may naturally and justly be expected to feel deeply and acutely ; it is, therefore with sentiments of regret that they feel themselves impelled, by a sense of duty, to state to the District Council, that they are by no means of opinion, that the state of the Common Schools of this extensive District, is such as your Committee had reason either to expect, or desire.

This objectionable state of things, existing after a lapse of time has taken place, sufficient to have fairly tested the practical adaptation of the present School Acts (of 1846 and 1847) to the wants of the people is attributable, in the opinion, of your Committee, to the following causes, videlicet :—

Causes of the Inferior Condition of the District Common Schools.

1. (1). The want of a vigorous practical mode of School superintendence. No supervision of any kind whatsoever having taken place in many parts of the District, during the last two years. (2). The prevalent inadequacy both in point of number and ability of the Teachers. (3). The ignorance of the local authorities of the School Sections relative to the important duties incumbent upon them to perform. (4). The reprehensible mode of granting Townships Certificates to Teachers, by the Township Visitors. (5). The general want of a suficient supply of School Books and Scholastic Apparatus. (6). And, especially, and emphatically, the apathy and neglect of the parents and guardians of children,— the pupils of Common Schools. All these various causes, in combination with a system of instruction, not homogeneous and suitable to the habits and requirements of the community, considered generally, have concurred, in the opinion of your Committee, to the unfavourable exhibition of the educational progress of the District, to which the Committee have so unwillingly adverted. After giving the fullest consideration in their power to the numerous defects and deficiencies before recited, your Committee take leave, in order, in some degree, under existing circumstances, to ameliorate this unsatisfactory state of things, to offer the following suggestions :—

Suggestions to Remedy the Existing State of Things Proposed.

With regard to the duties of the County Superintendent, keeping in view the conflicting duties which he has to perform, your Committee recommend that that Officer be instructed to devote, annually, at the first Session of this Council, certain fixed periods of time, during the whole year, in which he will be absent in visiting the Common Schools in the county, or be in the City of Toronto, in his office, to attend to his statutory duties.

That the times of this office duty should be officially notified to the respective Councillors, and, by them, should be made known to the several School Sections in their respective Townships, and that such appointments of the Superintendent should be strictly and scrupulously adhered to by him. That the Township Visitors and Board of Examiners be recommended to abstain from granting Teachers' Certificates, otherwise than at periodical meetings, and then only in accordance with the sentiments of the majority of such Visitors, or Examiners, then present, and that the said Visitors and Board of Examiners be earnestly requested to use the utmost endeavours to make frequent visits to the Common Schools.

The Great Desideratum in the District is Want of Competent Teachers.

In respect to the want of competent and the consequent employment of incompetent Teachers, your Committee are compelled, in a great measure, to ascribe this deficiency to the impolitic legal proscription of the services of natives of the United States, and other foreigners in the Common Schools ; a measure which, in the opinion of your Committee, is tantamount to a prohibitory enactment against the introduction of knowledge, which, of all things, they consider should have unrestricted ingress into any Country. * It seems, unfortunately, however, that no remedial course is open to them, other than a reference to the Address from this Council to the Legislature, embodying their views upon this momentous subject.

Disparagement of the Normal School Pupils as "Superficial and Showy."

It may, perhaps, be assumed, in opposition to this view of the matter, that the desideratum in question may be hereafter, or is already, somewhat supplied by the pupils of the Normal School : to this statement your Committee take leave to reply, that, disclaiming any desire to make invidious allusions to the said Normal School, or to the system upon which it is established and maintained ; and impelled to refer to the subject solely by the stern requirements of their

* The Chief Superintendent, in his Communication to the Government in October, 1848, proposed to repeal the enactment in the School Law against employing alien Teachers. See page 91 of this Volume, and also page 99.

duty, your Committee have no evidence under their observation to show that the pupils who have passed through the routine of the Normal School in question, possess more than a superficial, though, perhaps, somewhat showy attainment of learning, and, consequently, as far as your Committee have had the opportunity to judge, are not the well grounded, assiduous, and steady individuals, so indispensable as Instructors of youth, in the rural and industrial portions of this District ; and the reason is obvious, in the opinion of your Committee, that the gratuitous education of the pupils of the Normal School being of a short duration, assimilates it to the nature of a superstratum placed over an ill connected and neglected basis, and being so, cannot reasonably be expected to comport with, or to conduce to, the developement of a full and genuine attainment in education.

Deficiency on the Part of the Trustees of the School Sections.

As regards the lack of knowledge of their duties, by the local School authorities, your Committee recommend that the Trustees of any School Section who have need of such information, should, on application to the Clerk of the Council, be supplied by that Officer with the pamphlet entitled, "The Duties of Trustees and Teachers" ordered by the Government to be printed for that purpose, and which your Committee deem will amply supply the deficiency ; and, should such Trustees be desirous to acquire further information relative to the general working of systems of education in various portions of the civilized world, and full intelligence upon the subject, your Committee consider that they would find their wishes adequately and satisfactorily gratified by their subscription of 5s. per annum to the *Journal of Education* for Upper Canada, published and edited by the Chief Superintendent of Common Schools, to which Gentleman your Committee would recommend that the thanks of this Council should be conveyed for his communications of the said Journal, and of other documents.

Scanty Supply of the Needful School Text Books.

With regard to the scanty supply of School Text Books and Apparatus, your Committee wish, in concluding this Report, most earnestly and seriously to endeavour to direct the attention of parents and guardians to the moral and mental culture of the youth under their supervision ; upon the course of conduct they adopt in this respect rests, in the opinion of your Committee, the only ground on which can be predicted any hopes of a well developed and satisfactory result. It is pre-eminently their example and direction which will give the tint, the complexion, to that generation shortly to supersede the present one ; and deeply imbued with the conviction of the paramount importance of the subject, your Committee urge most strenuously upon their attention the necessity that exists, not to neglect the present opportunity, to exert their utmost legitimate influence in the matter, and thus conduce to the well being and future happiness of, perhaps, millions yet unborn. All which is respectfully submitted.

Wm. H. Mitchell, Chairman, pro. tem.

Toronto, January 31st, 1849.

II. SCHOOL SUPERINTENDENT'S REPORT TO THE GORE DISTRICT COUNCIL, 1849.

It is gratifying to be able to state, that a much livelier interest is being shown than formerly, in the cause of Education, and, also, that a greater degree of harmony is now prevailing throughout the District than had existed at any period since my appointment as Superintendent. The political excitement of 1847, produced baneful effects in many of our School Sections, but since that has subsided ; they are again restored to working order.

Inattention to Rules Necessary to Promote Cleanliness and Ventilation.

The erection of several new and commodious School Houses, in the course of last year, must produce beneficial effects as regards the health of both Teachers and pupils, and, as a natural consequence, will tend to facilitate and advance learning. But I am sorry to say, that in some instances, even where there is good accommodation, both Teachers and Trustees are less attentive to the cleanliness, the ventilation, and the proper heating of the School House, than they ought to be. Every School should be provided with a Thermometer, and, it would be well, if Trustees and Parents would demand that every Teacher should be so far acquainted with Physiology, as to be able to apply its principles to the preservation of health. If this were properly attended to much misery and suffering would be prevented, and many a physician's bill would be saved.

Description of Persons who apply for Certificates of Qualification as Teachers.

There has been, in the course of last year, an unprecedented number of applicants for Certificates of Qualification to practice as Common School Teachers. Many of these applications are by persons who know nothing of either the theory, or practice, of teaching ; but who,

being unsuccessful in business, or disappointed of employment, wished to become School Teachers, merely to participate of the school funds. Experience has taught me, that, in this class of persons referred to, few entertain anything like a due regard for the welfare of the young, or the heavy responsibility they themselves incur; and, it would be well, if Trustees and Parents would exercise a little more discrimination in encouraging such kind of Teachers,—as the young, in several of our good School Sections, have suffered from such persons as these referred to, being employed by Trustees as Common School Teachers.

It is, however, but justice to state, that of late a greater proportion of the applicants for Schools have been able to obtain Certificates of Qualification than in any previous year since the institution of the office of District School Superintendent. Some experienced Teachers being discouraged by the smallness of the remuneration received from the public funds, and the difficulty of obtaining the school fees from Parents, have lately retired from office; but on the other hand, a considerable number of respectable young men have entered the field as Teachers. On the whole, our present class of Teachers would not suffer by a comparison with those of any former period, in regard of learning and ability; and, as regards moral standing, there is a considerable advance. If a little more judicious discrimination were exercised by Trustees in the way of giving due encouragement to the worthy in the profession, we might soon have a very different class of Teachers; but, so long as ignorant and immoral men are preferred because they teach cheaper, we cannot expect any great advance in the status of the Educator.

Desirability of the Study of Physiology and Agricultural Chemistry.

I have, for some time past, felt anxious to see the study of Physiology, as well as the elements of Agricultural Chemistry, introduced into our Common Schools. Both are calculated to be highly beneficial; the one, in preserving health and enhancing personal happiness; the other, in enlarging means of social comfort. I trust that it may not be in vain that I respectfully solicit your influence in promoting these steps of advance.

The Number of Children in the different Townships in the District, between the ages of five and sixteen years, and also the number educated, or on the School Rolls are given as follows:

Townships.	Number on the Rolls.	Number in Attendance.
Ancaster	1,145	797
Barton	318	145
Beverly	1,419	800
Binbrook	302	209
Brantford	1,820	871
Dumfries	2,634	1,342
Esquesing	1,606	932
Flamboro' East	688	226
Flamboro' West	930	534
Glanford	465	233
Nassagaweya	671	332
Nelson	1,210	655
Oneida	440	184
Onondago	459	263
Saltfleet	913	487
Seneca	779	351
Trafalgar	1,957	969
Totals	17,756	9,330

Mere Statistical Meagre School Returns are Fallacious.

It should be observed that numbers do not form a true criterion as to the state of education in a District. We must take into consideration the quality, as well as the amount, of instruction imparted. · · · It should be observed that mere figural reports, though they may look well on paper, must always prove vague and fallacious, as regards the true state of education in a District, or Province.

* See the endorsement of this kind of Teachers in the Memorial of the Gore District Council to the Legislature on page 115 of the Seventh Volume of this Documentary History.

Take the following as a few examples from the last year's School Returns, in verification of this asssertion. One Section reports 80 pupils on the list, or educated,—50 boys and 30 girls, average attendance in summer 12, in winter 25, total number in the Section 65. Now, I do not believe that a single pupil ever attended that School from any neighbouring Section.

Another School reports 110 on the list, 2 indigent, whole number 122,—54 boys and 68 girls, total number in the Section, 100.

A third reports 213 pupils, 105 indigent, 38 boys and 50 girls, total number in the Section, 133.

Similar examples of inaccuracy and absurdity might have been doubled and tripled, from last year's School Returns, but let these suffice for the present, as examples of the data from which the annual School Report is made up. Every Sectional Report should contain the names of the parents, and the number of the children between the ages of five and sixteen years. Inaccuracies in the School Returns could then be detected. As now reported, detection is, in most instances, impossible.

In the real standing of the Schools there is no very marked difference for some time past, Some of them, however, have lately made considerable advance. Others have rather fallen back. This has been chiefly owing to the licensing of ignorant and immoral persons as Teachers, who are totally unfit, and unworthy, to be entrusted with the care of children. I am sorry to say, that some of the most ignorant men, and some of the greatest drunkards whom I have met (in the character of Teachers,) during the time of my Superintendency have, in the course of the present year, obtained Certificates of Qualification from School Visitors.

The proposed Cameron School Legislation not Desirable.

The prospective change in the School Law by Mr. Malcolm Cameron's School Bill, has had the effect of paralyzing the efforts of some of the best Teachers in the District, and some of them say decidely that they will rather leave the profession than be reduced to the condition to which the new School Bill reduces them.

I trust, Gentlemen, that, as friends of Education, you will give this Cameron Act due consideration, and express your sentiments upon it before you separate. It is certainly much less fitted to subserve the advancement of Education than that of 1846, now in operation. It is confused in its arrangement, cumbruous and expensive in its machinery, and deceptive in its structure . . .

Surmises are being circulated that the new (Cameron) School Bill will never go into operation. But, be that as it may, neither it, nor the one of 1846, at present in operation, will answer the end, without some important alterations. For example, all School monies should be paid into the hands of the District Treasurer, and the School Superintendents should give their orders to him. He is provided with Books, Forms, and other conveniences necessary for the management of money matters, at the public expense. No such provision is made in the Act for the Superintendents.

Remarks on the Office of the Local School Superintendent.

It is very seldom found, that the men best adapted for Superintending Education, are equally well qualified to manage the fiscal matters connected with it. Superintendents should have their whole care directed to the advancement of Education, and their business should be so regulated that the Schools may be visited, at least twice a year, as we have quite a different School population in Summer and Winter. While I am proud to witness the advance made in our Common School Education since 1844, I am still conscious that much more could have been done under the former School Act of 1843 than under the present. I believe I did more good the first three years of my Superintendency, than I could possibly do in five, or six, years under the present economy.

Another amendment absolutely necessary is, that the Teachers should be secured of their pay. As the law now exists, they have no security whatever. Both the present and prospective School Bills secure the Trustees against any legal action on the part of the Teachers, however just, to enforce the payment of his hard-earned wages . . .

Hamilton, 13th February, 1849. P. Thornton, District School Superintendent.

III. SUPERINTENDENT'S REPORT TO THE NIAGARA DISTRICT COUNCIL.

I have found during my past year's visits among the Schools of the Niagara District a very great improvement in many localities, in the increase and regularity of attendance, the higher order of qualifications among the Teachers, the better supply of Text Books and other facilities for communicating instruction with advantage, and in the general interest and feeling manifested in favour of our Common Schools by the people themselves.

General improved condition of the Schools in the District—Want of Teachers.

The statistics compiled from the official returns of the School Trustees fully justify the conclusions thus arrived, at from personal observations. These statistics shew that the increase in the number of months that the Schools were kept open during the past year, has been 9 per cent, over the preceding year, and 19 per cent over the year 1846 ; that the attendance in 1848 exceeded that of 1847 upwards of 15 per cent, and that of 1846 upwards of 33 per cent, while, at the same time, the increase in the averages and in the number of pupils in the higher classes and higher branches, and the increase in the supply of Apparatus and School Requisites have been in a greater ratio than in the attendance and time devoted to teaching.

Although the standard of qualification among Teacher has, speaking in general terms, been materially elevated during the past year, still our District labours under embarrassments from a want of a suitable number of properly qualified Teachers.

A decidely more healthy state of public feeling, with regard to that important class, their attainments, standing, general bearing, and usefulness in community, not only as Teachers, but as men, is beginning to exist, and the demands for first class School Masters is altogether beyond the means of supplying it.

Considerable relief in this respect I conceive, might be afforded without prejudicing the interests of any one, by repealing the restrictive clause of the School Act, with regard to licensing Alien Teachers, but I should look to a different source for a permanent cure for the evil.*

I am of opinion that the true remedy will be to make teaching a distinct profession, to allow it to rank with the learned professions and to raise up its members from among the respectable, the talented, and industrious youth of your own land. . . .

To induce such persons to enter the profession, with a view to make teaching a business for life, more adequate remuneration than has heretofore been given to a majority of Teachers should be provided, their situations should become more permanent, and they should hold a place in public estimation equal with that of the Clergyman, the Physician and the Lawyer.

Good Influence of Teachers Trained at the Provincial Normal School.

A small number of students from the Provincial Normal School, has been employed during the latter part of the past year, and the great improvement in the method of teaching, and in the general management and government of their Schools, which they exhibited. have been such, as, in most cases, to entirely change and correct the tone of public feeling in their respective neighbourhoods with regard to the modern system of conducting Schools, and also with reference to the usefulness of the class of Text Books recommended.

All who have had any opportunity to observe these trained Teachers, in the discharge of their duties, must be convinced of the superiority of trained over untrained Teachers, and the Normal School, if properly sustained, is destined to render an uncalculable service to our Country.

School Libraries and Teacher's Institutes most Desirable.

In many parts of the District, where good Schools have been kept open for a number of years, a laudable desire for good reading, and for information prevails among the youth of both sexes. In such neighbourhoods, the establishment of School Section Libraries would prove highly advantageous, by placing within reach of the active and enquiring minds of the young, well written, rational and instructive Books, in the room of those cheap, trashy works of fiction which constitute, at present, almost the only reading matter available.†

The formation of Teachers Institutes, have been found in other Countries to operate beneficially, by arousing a spirit of worthy emulation among Teachers, by placing means within their reach for extending their knowledge of the various subjects to be taught, and of the best method of communicating instruction in those subjects and by bringing Teachers out before the community as a distinct class or profession.

I venture to hope that both these subjects may engage the attention of the Council and of the Legislature, during its present Session of the latter . . .

These subjects are well worthy of the consideration of the Council, although the Schools and the System itself and the School Laws, are doubtless susceptible of considerable improvement. Still it must be gratifying to the Council to find that the liberality with which it has pro-

* On the subject of alien Teachers, see proposed provision in regard to them on page 91 of this Volume.

† The establishment of the Educational Depository by the Education Department, a few years later contributed greatly to banish from the schools and neighbourhoods the pernicious class of Literature here described. This was the unanimous testimony of Local School Superintendents and others when the Depository was attacked and disparaged in 1874-1876. It was abolished in 1877, 8.

vided for the support of Education in the District, has been met by a more than corresponding liberality on the part of the inhabitants, in raising by means of Rate Bill, and other voluntary contributions for the same noble purpose. And also, that our Common Schools.—institutions so excellent in themselves,—so conducive to the preservation of the rights and liberties of a free people,—so essential to the fitting of such a people for the rational enjoyment of ther liberties and for the full development of the resources of a new and productive Country,—institutions so peculiarly adapted to lead to the moral, social, and intellectual elevation of the whole community, and so intimately connected with the best and dearest interests of our young and thriving Province, and upon the success of which the happiness and prosperity of our people so much depend,—are becoming so highly valued and so justly appreciated, and that they are comparatively speaking, so munificently sustained.

FONTHILL, February, 1849. DEXTER D'EVERARDO, School District Superintendent.

IV. SCHOOL SUPERINTENDENT'S REPORT TO THE BROCK DISTRICT COUNCIL.

I have condensed and, in some places, summarized the Report of the School Superintendent of the Brock District to the Council for the year 1849. He thus refers to the general condition of the Schools of that District:

There are 109 Schools in the District, which are thus classified: 15, which in the main are well conducted, and on right principles, 39 others, though less perfect, are productive of good results; while the condition of the remaining 55 is very doubtful, and some are very inferior.

COMFORTLESS STATE OF THE SCHOOL HOUSES AND THEIR SURROUNDINGS.

The bad condition of the School Houses is thus described, as reported by the local Superintendent. Unfortunately, in too many cases, the following description applied to the School Houses in most of the Districts of Upper Canada in 1849:—

When we enter one of these Schools, we behold a picture of discomfort and misery. The children are perched upon benches; but as they have no support for their backs, and as only the taller of them can reach the floor with their feet, marks of weariness and pain are visible in their features and postures. Some, to procure rest and ease to their aching frames, have drawn up both feet upon the bench, and are sitting crosslegged like a tailor on his shop board. Others, stooping forward, rest their elbows upon their knees; with one hand supporting their chins, and with the other holding up their books before their weary eyes; while all avail themselves of every possible excuse to change their position, and so obtain relief: Some asking permission to go out, others to get a drink, and many constantly flocking to the Teacher's desk with words to be pronounced, sums to be examined and corrected, pens to be mended, or difficulties to be explained in connection with Grammar lessons, and so forth. So that the place is filled with noise and disorder, rendering study impossible, and anything like the cultivation of cheerful and benevolent affections entirely out of the question.

V. EARLY SCHOOL HOUSES OF UPPER CANADA—VALUABLE SUGGESTIONS.

In connection with the foregoing account of the state of the School Houses in a portion of Upper Canada, I have inserted from *The Church* Newspaper of the time, a very full and comprehensive summary of suggestions in regard to the condition of the School Houses in Upper Canada in the later forties—about half a century ago.

So strongly was the Chief Superintendent impressed with the fact, that few School Houses were really fit for occupation, or for the proper and successful instruction of children, that he obtained and published in the *Journal of Education of Upper Canada* for 1849, and subsequent years, a series of illustrations of School Houses,—their grounds and surroundings. See Note on this subject on page 168 of the Seventh Volume of this Documentary History.

The Editor of The Church Newspaper, of Toronto, said:—

We have visited a great many School Houses in Canada, but we have found exceedingly few, in the construction of which, the least pains have been taken to facilitate the progress of the pupils. It is an opinion too generally received, that any House, which is sufficiently warm in winter, and moderately cool in the summer, is well enough adapted for a School House,—that anything dignified with the name of a bench, is good enough for the children to sit on, and that classification is the Teacher's business, and not that of the parents, or School Trustees. In every well regulated School, there is "a time and a place for everything;" and the exercises of one hour, or the lessons of a particular pupil, never interfere with, or annoy, another pupil.

This systematic regularity, however, cannot be carried out in School-Houses furnished as they generally are in Upper Canada, and, unless some improvement takes place in this matter, as well as in the system of instruction, the success of even well qualified Teachers will be, but partially triumphant.

The seats should be so constructed as to afford their occupants, the greatest possible amount of comfort and ease. Their dimensions should be calculated according to the size and age of the children, who should be placed in such a position as to be always facing the Teacher's desk; so that at one glance of his eye, he can note the employment of the whole School.

In the School Houses of the Irish National Board, the plan originally adopted was to place the Teacher's desk in the centre of a semi-circular platform at one end of the Building, directly opposite the door. From the door to this desk, there was an alley of five feet wide, on each side of which the pupils were seated at immovable desks, placed parallel with each other, and varying in height to suit the classes which occupied them.

The seats were also immovable and were placed about six inches from the front of the desks. The back of the next desk was about eighteen inches from each seat, so as to allow room for the Teachers to pass and repass behind the classes. In Schools where Class-Monitors were employed, each Class occupied a separate desk, at one end of which, was the Monitor's seat, and when the Class was called out for a lesson, the pupils had merely to step over their bench, and stand up in the space between it and the next desk. In this way, eighteen, or twenty, Classes could receive instruction from as many Class-Monitors at the same time, while the Head Teacher superintended the whole proceeding. This method of furnishing School Houses is still pretty general, but improvements have been introduced, which bid fair to supersede it in a short time.

According to the new plan, each pupil occupies a separate seat and a separate desk, which are placed in parallel rows, with a space between every two, for the ingress and egress of the children and Teachers. This arrangement requires much larger School Houses than the old system of crowding children together on long benches, but it is considered more conducive to their health, and, while it enables each one to leave, or resume, his seat, without interfering with, or disturbing, his fellows, it also facilitates the duties of the Teacher. The desks are of the most simple construction, being merely a piece of board about eighteen inches square, screwed on to a pedestal, or foot, of cast iron, which is made fast to the floor. The seats are furnished with backs of a proper height, for the convenience and support of the children, and are also fastened to the floor.*

CHAPTER XVIII.

FIFTH ANNUAL SCHOOL REPORT OF THE CHIEF SUPERINTENDENT, FOR THE YEAR 1849.

The following is a copy of the Chief Superintendent's Fifth Annual School Report, for the year 1849, enclosed to the Provincial Secretary, to be laid before the Governor General:—

To His Excellency the Right Honourable James, Earl of Elgin and Kincardine, Governor General of Canada.

May it Please Your Excellency: As required by Law, I have the honour to submit to Your Excellency a Report of the state of the Normal, Model and Common Schools in Upper Canada, for the year 1849, with "such other statements and suggestions relating to Education generally" as appear to me "useful and expedient."

* Abundant examples of this improved system of seating pupils are given in the earlier Volumes of the *Journal of Education for Upper Canada*,—1849-1855.

What constitutes the practical value of Periodical School Reports.

Periodical School Reports are characteristic of all educating Countries, and are the intellectual barometers, which indicate the varying states of a people's educational and social progress. Statistical returns are the most obvious and tangible indicator of that progress; but to ascertain it with accuracy and clearness, and to appreciate it with justice and fulness, require a watchful observation of the diversified aspects and phases which society presents from season to season, and from year to year. It is also necessary to take into account the adverse, or favourable, circumstances which, as adverse winds, or fair breezes, affect the speed of the gallant ship, retard, or quicken, the progress of this greatest of all national interests.

Legislation is confessedly an essential element of educational progress. It involves the foundation and framework of a System of Public Instruction; and, when deliberately and carefully matured in a free Country, like ours, it is the embodiment of the public sentiment, and the expression of the national heart, on the subject of educating the young. But frequent changes in a school law, like frequent changes in the sentiments and purposes of an individual, in the prosecution of any undertaking, impede, rather than promote, the work of education,—destroy the sacredness, and paralyze the authority of law, distract public attention, and discourage individual exertion. Even remedying defects in the details of a school law, are sometimes attended with serious temporary inconvenience, although the fundamental principles may be maintained inviolate. This was the case with our School Law of 1846. The fundamental principles of the Act passed in June of that year, were the same as those of the Act passed in October, 1843.* The former was but a simplification and extension of the principles and provisions of the latter. Yet considerable inconvenience was experienced at first in the substitution of the one for the other; but the advantages of it were soon widely felt and generally acknowledged. Less difficulty and inconvenience attended the introduction of the new School Law, and the establishment of the new School system for Cities and Towns, in 1847,—arising out of its easy and natural adaptation to such compact municipalities.

The School Year of 1849 was one of Uncertainty and Perplexity.

During the year 1849, the uncertainty and perplexity of the public mind, in respect to the (Cameron) School Law, were peculiarly unfavourable to the interests of the Schools. The suspense of the first two, or three, months of the year, as to whether the Law and its administration would be maintained, or abolished, and the passing of a new School Law in May, providing for radical changes in the whole working of the Common School System, (although not to take effect until the commencement of 1850,) caused much uneasiness and discouragement amongst the warmest friends and most zealous promotors of elementary education. I, therefore, entertained painful fears as to the results of the year's operations; fears which I am happy to say have been removed by the encouraging character of the Statistical Returns from the several Districts. These Returns show that the impulse which the public mind had received, was sufficient to overcome the resistance caused by the untoward circumstances referred to, and even to make some advancement upon the proceedings of previous years. In analyzing these Returns, I will proceed in the order of the Statistical Tables appended; remarking that they are not extended to Townships, as in my Report for 1847, but are limited to Districts, Cities, and Towns,—each District-Return containing, of course, the aggregate of the Township Returns of such District.

Statistical Returns of School Sections and Schools in 1849.

1. *Number of School Sections.*—These are the smallest School divisions recognized by law, each being designed, as a general rule, for one School, and containing an average of about eighty-three children between the ages of five and sixteen years. The average number of children between these ages in each School district, (Section,) in the State of New York is sixty-six; although the average number attending School in each School district there is sixty-nine, the number under five, and over sixteen, years of age attending School being greater in the ratio of twenty-three to twenty-two, than the number between those ages who do not attend the Schools; while the number attending the School in each School Section in Upper Canada is less, in the ratio of forty-five to eighty-three, than the number of children between those ages. From Statistical Table A, it appears that the whole number of School Sections in Upper Canada is, Three Thousand and Thirty-six (3,036)—being an increase of seventy seven over that of the preceding year.† From the same Table, it will be seen that Two Thousand, Eight Hundred and Seventy one Schools are reported to have been in operation in 1849; being an increase of seventy-one on the year preceding,—a very gratifying fact. It is believed, that the increase in the number of School Sections has arisen from the formation of new Sections, and

* The School Act of 1843 will be found on pages 249-262 of the Fourth Volume, the Act of 1846 on pages 59-70 of the Sixth Volume of this Documentary History.

†These Statistical Tables are omitted. They will be found in the Appendix to the Journals of the House of Assembly for 1850.

not, except in very few instances, from the division of old ones. In my Report for 1847,* I pointed out at large the disadvantages and evils of small School Sections; I will not, therefore, dwell upon the subject in this place. With the increased facilities for the establishment of Free Schools, so admirably adapted to secure the attendance of all the children of school age, our School Sections do not appear, in general, to be much too small. It is not to be expected that all the children in every Section will attend School all the year. Some will, of necessity, be otherwise employed, or confined at home a part of the year; and, as a general rule, a Teacher cannot do justice to more than sixty, or seventy, Pupils at one and the same time. The increase of population and the increased attendance at Schools in the several Sections, will gradually diminish the evils of their smallness, where it has been permitted. The new School Act of 1846 contains ample provisions against untimely and hasty divisions of School Sections or undesired changes in their boundaries.†

Receipts and Expenditures of School Moneys in 1849.

Statistical Table A shows the sums which the people of the several Municipal Districts and School Sections have voluntary imposed upon themselves, by Assessments and Rate-Bills, for the support of Common Schools, irrespective of the sums imposed and collected for the erection and repair of School Houses, of which we have, as yet, no general returns. It will be seen, that, under the heads of Municipal Council Assessments and School Section Rate-Bills, there is an increase upon the sums imposed and collected during the preceding year. The whole sum available for the Salaries of Teachers for the year 1849, was £88,478 1s. 4¼d., ($352,912.27), being an advance of £2,408 19s. 1d., ($9,635.82), upon the sum available for the same purpose in 1848. The total amount available, from all sources, for the Salaries of Common School Teachers in the State of New York, in 1849, was £156,364 3s. 5½d., ($625,459.69,)—not twice the amount raised in Upper Canada, for the same purpose, the same year, with only one-fourth the population of the State of New York. But, in addition to this sum, there was raised in the State of New York, for "Library purposes," the sum of £22,018 17s. 7½d., ($88,075.49) The comparison, however, is still largely in favour of Upper Canada, in proportion to population. This fact alone, considering the infancy of our School System, and comparative newness of our Country, should make every right-hearted Canadian feel proud of his Country; and it is a sufficient answer to the objection, that Upper Canada is not prepared for the more matured School Systems of the neighbouring States. I think that the assailant of Canadian Institutions, and of the Canadian people, ought to ponder upon this fact, and retract his calumnies and feel ashamed for the wrong and ingratitude which he has committed against the Country of his birth, or adoption.

Number of Pupils Attending the Schools of Upper Canada, in 1849.

It appears from Table B, that the whole number of children in Upper Canada, in 1849, between the ages of five and sixteen years, was Two Hundred and Fifty-three Thousand, Three Hundred and Sixty-four,—being an increase on the preceding year of Twelve Thousand, Two Hundred and Sixty-two; that the whole number of Pupils on the School Registers was One Hundred and Thirty-seven Thousand, Six Hundred and Thirty-three, which, although an increase of Nine Thousand, One Hundred and Eighty-three on the year preceding, exhibits the humiliating and distressing fact, that little more than one-half of the youth of Upper Canada attend the Schools, notwithstanding the provision made for their support! The same Table shows, that the total number of Boys attending the Schools was Seventy Six Thousand, Five Hundred and Thirty-six; of Girls Sixty One Thousand, Nine Hundred and Twenty-nine. That the total average attendance of Pupils in the summer was Seventy Two Thousand, Two Hundred and four;—of Boys Thirty Nine Thousand, Three Hundred and Eighty-two; of Girls Thirty Two Thousand, Eight Hundred and Twenty-two,—being an increase of nearly Two Thousand on the average summer attendance of Pupils over the year preceding. That the total average attendance of Pupils during the winter, was Seventy Eight Thousand, Four Hundred and Sixty-six;—of Boys Forty Six Thousand, Four Hundred and Two; of Girls Thirty One Thousand, Nine Hundred and Sixty-four,—a considerable increase also on the corresponding average attendance of the preceding year. It appears from these Returns, that a considerably larger number of Boys than Girls are educated in the Common Schools; that the attendance of Girls at the Schools in Summer and Winter varies very little; that the winter attendance of Boys is, to that of summer, as forty-six is to thirty-nine;—a much less difference than is generally supposed. It may also be observed, that the average attendance of Pupils at the Schools, as compared with the whole number on the School Registers in Upper Canada, is as three to six, while, in the State of New York, it is as three to seven, and with respect to the length of time during which each Pupil attends School in the course of the year, the New York State Superintendent, in his School Report of 1848, remarks, that, "with all the advantages our School System presents, not one-seventh of the children reported, between five and sixteen years of age, attend the Schools, for even six months.

*Printed on pages 149 and 187 of the Seventh Volume of this Documentary History.
†Page 61 of the Sixth Volume of this History.

Time of Keeping Open the Schools by Qualified Teachers in 1849.

It is encourging to observe, that, on this point also, Upper Canada compares favourably with the older State of New York. In the State of New York, the law requires a Common School to be kept open by a qualified Teacher four months of the year, in order to be entitled to a share of the School Fund, and the State Superintendent, in his last Annual Report, says :—"In the several reporting districts, Schools have been maintained by duly qualified Teachers for an average period of eight months during the year embraced in the Returns." In Upper Canada, each Common School must be kept open six months, in order to be entitled to share in the School Fund : and during the last year, the average time of keeping open the Schools by legally qualified Teachers, was nine and one-third months,—being an increase of one-third of a month over the preceding year, and being one month and a third of a month over the average time of keeping open the Schools by legally qualified Teachers in the State of New York during the same year ; that is, Upper Canada was one-sixth in advance of the State of New York last year in the time of keeping open her Common Schools by legally qualified Teachers.

Classification of Pupils, and Subjects Taught in the Schools in 1849.

Statistical Table B also exhibits the classification of Pupils, and the number instructed in each subject, or branch, of study in the Schools of each Municipal District in Upper Canada. It will be seen that there are five Reading Classes, in harmony with five Readers of the National Board of Education for Ireland,—the first being the lowest, and the fifth the highest, Reading Class. The Returns of Pupils in Arithmetic include three divisions,—those who are in the first Four Rules, those in the Compound Rules and Reduction, and those in Proportion and above. The same Table shows the number of Pupils in each Municipal District, in Grammar, Geographv, History, Writing, Book-Keeping, Mensuration, Algebra, Geometry, Elements of Natural Philosophy, Vocal Music, Linear Drawing, and other studies, such as the Elements of the Latin and Greek Languages, which are taught in some of the Common Schools. By referring to Table B, the totals of the Returns for 1848, under the same heads, will be found ; and it will be observed, that under every head, except one, there is an improvement in favour of 1849. The Returns of 1848 showed a similar advance on those of 1847,—the first year that this kind of educational Statistics was ever collected in Upper Canada. It is also gratifying to observe that the teaching of Vocal Music is beginning to be introduced into the Schools,—one of the early fruits of the present system of Elementary instruction in Upper Canada.

Character and Cheapness of the Text Books Used in the Schools.

In Statistical Table C, is given the names of the Text-Books, which are used in the various subjects taught in the Schools, and the extent to which each Text-Book is used in them in the several Municipal Districts of Upper Canada. From the comparative view of 1848 and 1849, given at the bottom of Table C, it will be seen how steadily and rapidly the admirable series of National School Text-Books are superseding other inferior Text-Books. To this there are two exceptions: I do not think that the Elementary National Grammar is equal either to Lennie's, or Kirkham's, Grammar, (both of which have been recommended by the Upper Canada Board of Education) ; and I have also so expressed myself, from time to time, in papers emanating from this Department. Nor do I think the Elementary National Geography at all equal, in merit and adaptation, to our Schools, to Morse's Geography, for reasons that I stated at length in my Annual Report for 1847.* The National Geography Generalized is a comprehensive and a valuable book, and is used with great advantage in the Provincial Normal School, but it is too large and expensive for young Pupils.

The great object contemplated and gained by the introduction and use of a uniform series of Text-Books in the Schools is three-fold :—1. The substitution of Books of superior value for those of inferior value, or of objectionable character. Perhaps, no opinion is more unanimous among competent judges, than that many of the Books which have been used in our Schools, and are still used to some extent, are next to worthless, for the accomplishment of the objects for which they are used, if not pernicious in their tendency ; nor have I heard it pretended, on any occasion, much less from any quarter entitled to respect, that the motley variety of School Books, which chance, time, circumstances, and itinerant Vendors have strewed over our Country, are comparable in excellence with the series of National School Books, which have been recommended by the Provincial Board of Education for use in all of our Schools. 2. A second object contemplated by a uniform series of Text-Books for the Schools, is the classification of Pupils, and the greater efficiency of Teaching. When there is but one series of Readers, one Arithmetic, one Geography, one Grammar, etcetera, used in a School, all the pupils of like attainments in such School, in any one branch, or subject, can be formed into the same Class ; and, as a public speaker can address one hundred persons as easily as he can address ten, so a Teacher can teach a Class of twenty Pupils as easily as he can teach two. The fewer classes,

* See page 164 of the Seventh Volume of this Documentary History. See also Foot Note on the same page.

therefore, he has in his School, the more instruction he can give on any given subject, and to each Pupil, in a given time. But pupils cannot be thus classified where there is a diversity of Text-Books in the same subjects of instruction. The use of an uniform series of Text-Books in each School, will, therefore, add greatly to the value of a Teacher's time, and to the amount of knowledge imparted to the pupils, or of mental development by appropriate exercises. And, when a Teacher becomes familiar with a series of Text-Books, the order of subjects, and the mode of illustrating them, he can use such accustomed instruments of teaching with more ease, and to greater advantage, than when new books are constantly required to be used by him. It is scarcely possible to devise a scheme which more seriously paralyzes a Teacher's exertions, and lessens the value of his labours, than by denying him the means of classifying the Pupils of his School, and by distracting his attention and wasting his time in teaching them one by one, instead of teaching them by classes. 3. A third object resulting from the use of an uniform series of Text-Books in the Schools, is their greater cheapness. A merchant can sell an article much cheaper when the demand for it is very large, than when the demand is limited ; the publisher of a newspaper can afford it at a much less price per annum, when the circulation of it is twenty-thousand copies, than when it amounts to one, or two, thousand. So can the publishers of School Books sell them cheap in proportion to the extent of the demand for them. The more general the demand for any one series of School Books becomes, the greater will be the competition and enterprise to supply that demand. The Books will thus be produced better in quality, and lower in price. In whatever light, therefore, we view the introduction of an uniform series of good School Books, the gain,—the vast gain of it,—is on the side of the Pupils and their Parents. An objection has been made to this effect :—

"Admitting the desireableness and importance of having but one series of Text Books in each School, it does not follow that the same series of Books should be used in all the Schools of the Province ; one seriesmay be used in one Township, or County, and another series may be used in another Township, or County."

The Printing of Text Books a Desideratum.—Evils of a Diversity.

To this I reply, first, that I do not know of more than one Series of School Books which has been used in any part of Upper Canada, or which has been commended by any party. There are isolated Books on some subjects, to which partiality has been expressed in some places, and, perhaps, upon very just grounds, but I know of no series of School Books on any one subject, (except the Irish National Series, recommended by the Provincial Board of Education,) which has been commended by a single Municipality for publication, in Upper Canada. A good Book, or two, will not supply the wants of a School, in which various subjects are taught, and the Pupils of which are conducted from step to step through each of these various subjects. If each Pupil should advance step by step, and, from one subject to another, in the order of Nature, the Text Books employed in his instruction should be constructed and connected in the same natural order. It is upon this principle that the School Books of the Irish National series are prepared ; and this is one of the characteristics of their excellence. But I reply, secondly, to the objection above stated, that, if a series of Text Books is best for the Schools in one Township, or County, why is it not the best for every Township and County ? The same ground of Common School Education is to be occupied in every County of Upper Canada ; the Irish National Text Books are the only series which cover the whole of that ground ; why would it not, then, be most beneficial to use them in every County, if it be so in any one County ? It is true, that the first object to be gained is uniformity of Text-Books in each School, then in each County, and then throughout the Province, as required by the reason just assigned, by the frequent removal of Teachers and Pupils from one County to another and by a regard to the cheapness and ample supply of good Books. This view is maintained by the present able and enlightened Superintendent of Common Schools in the State of New York the Honourable C. Morgan. In one of the concluding paragraphs of his last official Instructions, as authorized by law, he remarks as follows :—

"It is believed, that a more propitious period could not be presented, when an earnest and systematic effort should be made to relieve our institutions of Elementary Instruction from the diversity and constant change of Text-Books. Whenever such an uniformity can be extended throughout the school districts, [Sections,] of a Town, [Township], and throughout all the Towns of the County, it is very desirable that such extension should be made ; but, from the great diversity of views, in relation to the relative merit of different works, the progress of this extension must necessarily be slow. The foundations may, however, be laid by the attainment of uniformity in the respective School districts, for an ultimate harmony of views and concert of action on a wider theatre."

All Educational Writers in the neighboring States, without exception, so far as I have observed, as well as European Educationists, agree with the New York State Superintendent, as to the great advantage and importance of uniform Text Books for the Schools. The difficulty with our American neighbours has been, and still is, the pre-occupation of the ground by rival publishers and sellers of School Books, and the flooding of the whole Union,—especially the older States,—with an endless diversity of such Text Books. The School authorities of Cities

and Towns, and many Counties, have interposed to stay the evil, and have permitted but one selected series of Text Books to be used in the Schools under their charge ; successive efforts have been made by the ablest and most enlightened men in the different States of the Union, to secure this object for the whole State, by investing the Executive with authority to appoint a Board for the selection of a series of Books for the Schools in the State ; but the host of Book-makers and Publishers, Book-sellers, and others interested in keeping up the variety and prices of Books, have hitherto defeated the accomplishment of that object. In Upper Canada, these obstacles have existed only to a very limited extent ; not a single complete series of School Books has been published, or printed, in this Province, except the series of the Irish National Books adopted and recommended by the Provincial Board of Education ; the two, or three, isolated School Books which have been reprinted, or published, have been notoriously inadequate, if not unsuitable, to the Educational wants of the Country, that they have rather been arguments for, than objections to, the introduction of an uniform and better series of Text Books. The only parties who have made any considerable opposition to the accomplishment of this object, are interested Importers and Vendors of foreign School Books, and those who have been influenced by them into the belief that such Books are cheap * The fact is, that, when certain School Books have begun to be superseded by other more attractive and popular Books of the same class, they have been sent into the Canadian market, at reduced prices in some instances, with representations imposing upon those who knew no better. It is thus, that large quantities of Books have been puffed up and disposed of in Canada, which were falling into disuse, or which had become almost a nuisance in the American market. Our School Law of 1846, by prohibiting the use in our Schools of all Foreign School Books in the English Branches of Education, without the express permission of the Provincial Board of Education, provides a protection for the people in the various parts of the Province against such illusions and impositions. The Provincial Board has the means of not only examining, with the utmost care, each foreign School Book proposed for use in our Schools, but also, from Official Reports and Returns made to the New York Legislature, the number of Academies and principal Schools in the State, in which each School Book is now used, or has been used in past years, and to what extent the use of it may have declined, or increased, or may exist in comparison of other School Books on the same subject. This is information which the people generally, or even County Examining Boards, are not in circumstances to acquire, nor is it reasonable to suppose that they would be willing to incur the requisite labour and expense to do so. The Upper Canada Board of Education has shown a disposition to recommend American, as well as other, Books, the use of which in our Schools is likely to be beneficial. But, the great diversity of Text Books in the Schools is the very evil which the New York State Superintendent so strongly deplores, and which so greatly impairs the efficiency of the Schools there. It is of great importance to preserve the Common Schools of this Country from an evil of such magnitude,—apart from any political considerations whatever. In this most important element of an efficient School System,—uniformity of Text Books in the Schools,—we have already, and are likely to have to a much greater extent, the advantage over our American neighbours,—an advantage which, in connection with the early introduction of Normal School training amongst our Teachers, the noble spirit of progress which is evinced by the people of Upper Canada in School matters, will, I trust, in a few years, place our Country in a position of which every lover of it may justly be proud.

Before dismissing this topic, I desire to guard against misapprehension. In speaking so strongly on the importance of a series of uniform Text-Books for the Schools, I do not refer to the amount of knowledge which may be acquired from the use of particular Books. This is, the least important view of the subject. It is the facilities which the use of such a series of Text-Books affords to the Teacher in the classification, exercises, and advancement of his Pupils. It should never be forgotten, that "it is the Teacher that makes the School." He cannot, of course, make the School without proper and suitable Books, any more than a Mechanic can work without proper tools. If the tools are of good quality and of suitable construction, the Mechanic can work to so much the greater advantage. The Text Books are the tools which the Teacher uses, in developing and moulding the resources and powers of intellect and heart committed to his charge. The quality and appropriateness of his tools are important in the successful application of his skill ; but the best tools are of little importance without a skilful hand to use them. It is, therefore, on the character, ability, and skill of the Teacher, that everything chiefly and essentially depends, in the efficiency of a School. This does not, however, derogate from the importance of providing proper tools to enable the Teacher to develop mind, and impart knowledge, as well as Pupils to acquire it.

Modes of Teaching in the Schools,—Individual, Monitorial and Simultaneous

Modes of Teaching in the Schools are closely connected with the Text-Books used, and are shown in the last three columns of Table C. If there is no uniformity of Text-Books, then the individual mode of teaching, —or teaching one by one, —must be resorted to, and, therefore, the

* It was just such a combination which, with the aid of other parties, waged a war against the Education Depository in the early Seventies It was closed in 1877, 78, by Order-in-Council.

Teacher's time and labour must be broken into as many fragments as he has Pupils to teach. This is like the Minister of a Congregation undertaking to teach, by delivering, one by one, to his auditors, his counsels on each successive subject of instruction. But where there is uniformity of Text-Books in a School, then, as the Pupils can be classified, the "Simultaneous mode,"—or teaching by classes,—can be employed, (as has been shown above,) to the great advantage of all parties. In some of the Schools, and in connection with either, or both, of the modes of teaching just mentioned, a third mode is adopted, namely the Monitorial,—or teaching by the aid of Monitors, who usually consist of one, or more, of the most advanced pupils in each branch, or subject, taught. This mode of teaching owes its celebrity to Lancaster and Bell; but that celebrity, which, at one time, excited the admiration and applause of half Europe, has fallen very much and very justly into disrepute. The boasted aphorism of that system once was,—"Give us a pupil to-day, and we will return you a Teacher to-morrow." But experience soon taught parents, at the expense of their children, the absurdity of this extravagant pretension; and that what was gained in alleged cheapness, by resorting to such a mode of teaching, was more than balanced by the loss of efficiency in the teaching itself,—that the teaching of a pupil could not, for a moment, be placed upon a par with the teaching of a Teacher. This mode of teaching has been universally condemned on the Continent of Europe; its existence lingers in only a portion of the elementary schools of Belguim, and a few schools in France; it has never obtained to any considerable extent in the United States, and it is falling more and more into disuse in Great Britain and Ireland.* Nevertheless, where Schools are large, this agency can be employed to a limited extent, to the great advantage of pupils,—to the younger pupils in the preparation of their exercises and the learning of their lessons, and to the Monitors themselves, by the early practice of communicating, and reviewing, what they have learned. But no child should be left day by day, much less from week to week, to the sole teaching of a Pupil-Monitor. This is unjust to both parents and children, as the former send, and the latter go, to the School, not for the teaching practice of another pupil, but for the teaching by the Master. The Monitor should aid, not supersede, the Master. Monitorial teaching should be an addition to, not a substitution for, the regular teaching of the School. How far this is the case in our Common Schools, where the Monitorial mode of teaching obtains, I am not able to state in this Annual Report. It is, however, gratifying to observe by Statistical Table C, that the "Individual" mode of teaching prevails in one hundred and forty-seven fewer Schools in 1849, than it did in 1848; that the "Monitorial" mode of teaching also declined to the extent of forty-six Schools; while the "Simultaneous" mode of teaching prevails in four hundred and ninety-seven more Schools in 1849, than it did in 1848—one of the early fruits of the introduction of an uniform series of Text-Books in the Schools, and the discussions which have taken place on the subject. It appears that the "Individual" mode of teaching prevailed, in 1849, in two hundred and seventy-eight Schools; the "Monitorial" mode in one hundred and seventeen Schools; and the "Simultaneous" mode in Two Thousand, Four Hundred and Eighty-five Schools.

Classification and Salaries of Teachers, and the Character of the Schools in 1849.

Statistical Table D contains the return of the total number of Teachers employed in each Municipal District, and in each City and Town in Upper Canada, (both male and female,) their Religious Faith, average Salaries, the Certificates of Qualification granted by local Superintendents and Visitors; and the Character of the Schools. It appears that the total number of Teachers employed during a part, or the whole of the year, was Three Thousand, Two Hundred and Nine, (thirty-two more than in 1848); of whom Two Thousand, Five Hundred and Five were male, and Seven Hundred and Four were female Teachers,—being a decrease of two male Teachers, and an increase of thirty-four female Teachers, as compared with the Returns of the preceding year. The returns, under the head of "Salaries of Teachers," are very defective; but, in the several Municipal Districts, from which returns have been received, it appears that the salaries of Male Teachers vary from £40 to £112, those of Female Teachers from £20 to £60. Under the head of Certificates of Qualification given to Teachers, there is a decrease of fifty-nine in the number given by Visitors, and an increase of two hundred and seven in the number given by School Superintendents,—showing that the practice of Visitors giving Certificates, (which is now abolished by law,) had already begun to fall into disuse by the progress of intelligence among the Teachers and people. From the returns made under the head of "Character of the Schools," nothing very decisive can be ascertained as to the standing of the Schools,—since no uniform standard has yet been fixed by law, and the classification given is simply that of the judgment of each local School Superintendent, as to the relative merits of the Schools in his Municipal District, in comparison with each other, rather than their relation to any elevated standard satisfactory even to himself. When, however, a proper classification of Teachers and Schools shall have been made, as the new Act (of 1850) contemplates, the returns under this head will furnish more definite, if not more satisfactory, information.

*For an account of the Bell and Lancaster Systems of Teaching, see pages 89, 174, 244 and 252 of the First Volume, and pages 134 and 137 of the Third Volume, of this Documentary History.

School Houses; Their Kind, Sizes, and Condition. Number Built in 1849.

Statistical Table E embodies all the information which has been collected during the year relative to School Houses in each Municipal District of Upper Canada,—their kinds, sizes, conditions,—the number and description of School Houses built during the year; the number rented, and the description of title by which the Common School property in the various parts of the Province is held.

I regret to observe the negligence which seems to have been allowed in collecting, or preparing, complete returns under the several important heads of this Table. From all the Cities and Towns, and from ten of the Municipal Districts, (embracing some of the most populous in the Province) there is no return whatever of the number of School Houses built during the year; and from most of the others, the returns appear to be very defective. For example, the total number of School Houses returned for 1849, is Three Hundred and Twelve less than the number returned for 1848. We cannot suppose that Three Hundred and Twelve School Houses ceased to exist in one year, especially when in the few Districts from which returns have been made, it appears that Seventy-seven new School Houses were built. Under most of these heads of information, the statistics of which are collected by the local School Superintendents, rather than from the Trustees' Reports, I find the returns for this year much more defective than those of the preceding year, arising, doubtless, from the doubt and indifference produced the latter part of the year, by anticipated abolition, (under the Cameron School Act,) of the office of District School Superintendent. But, as imperfect as these returns are, it appears from them that there is an encouraging advancement in the condition and character of the School Houses. Two years since, I called the special attention of the Municipal Councils to the unsatisfactory state of the titles to Common School property.* I am happy to observe by these returns, as defective as they are, that there is a decrease of seventy-four in the number of leasehold, or rented, School Sites, and an increase of forty-seven in the number of freeholds. Still it is lamentable to observe, that of Two Thousand, Nine Hundred and Seventy-three School Houses returned, One Thousand, One Hundred and Thirty-one of them are represented as rented, or held under lease.†

School Visits made in 1849, and by Whom. Their Value and Influence.

An essential instrumentality in the universal and thorough education of the people, is the sympathy and active co-operatian of the intellectual and wealthy classes. The absence of such sympathy and co-operation has been, and still is to a considerable extent, the most formidable obstacle to the attainment of that great national object. The Visitorial Sections of the Common School Law were framed to develop this hitherto latent element of moral power in behalf of popular education. The result of the experiment has, thus far, been most satisfactory: and I anticipate still more potent results from it in future years. From Statistical Table F, it appears that the number of School Visits made by District School Superintendents during the year, was Two Thousand, Nine Hundred and Fifty-five,—being on advance of One Hundred and Forty upon those of the year 1848; that the School Visits of Magistrates were One Thousand, Four Hundred and Twenty-three,—being a decrease of Thirty-six: that the School Visits of District Councillors were only Nine Hundred and Seventy-four, being, however, an increase of fifteen; that the School Visits of Clergymen were Two Thousand, Eight Hundred and Fifty-five, being an increase of Five Hundred and Ninety-four; that the number of other School Visits was Seven Thousand, Five Hundred and Seventy-seven, being an increase of One Thousand, Two Hundred and Twenty-nine; that the total number of School Visits made during the year was Fifteen Thousand, Seven Hundred and Seventy-seven, being an increase on those of the preceding year of One Thousand, Nine Hundred and Forty-two. As these Visits to the Schools are voluntary on the part of all persons who make them, their number and increase may be regarded as indicated the growing interest among the more intelligent and influential classes of society, in the sound and universal Education of the rising generation.

Libraries, School Requisites Colleges, Grammar and Private Schools, 1849.

The information collected under these heads will be found in Statistical Table F. The returns under the heads of "Libraries, Colleges, Grammar and Private Schools," have been voluntarily made, as they are not required by any legal enactment. But, as it has been considered desirable, that, in some periodical public document, a complete view of the Educational state of the Country should be given; and, as no attempt of the kind has been made, or proposed, from any other Department of the Government, I have prepared, during the last

* See page 216 of the Seventh Volume of this Documentary History for the Circular, in which this matter is referred to.

† In his Report for 1847, the Chief Superintendent called attention to the "very unsatisfactory state of the School Houses in Upper Canada." See page 167, 168 of the same (Seventh) Volume, and also pages 270, 271 of this Volume.

three years, columns under the heads of "Libraries, Colleges, Grammar and Private Schools," in the blank Annual Reports transmitted to District School Superintendents, requesting them to fill them up, as far as they could obtain the requisite information to do so. Statistical Table F exhibits the results of these inquiries in each Municipal District in Upper Canada. The returns under the heads of "Colleges and Grammar Schools" are too vague and imperfect to answer any practical purpose; the same may be said of the returns of "Private Schools." Yet, the returns under these heads are sufficient to attest the Educational progress of the Country, upon the ground not occupied by the Common Schools. It is gratifying to observe, that, although no Governmental measures have been adopted for the establishment of Common School Libraries, yet fifty-two have been established in several Municipal Districts—being an increase of no less than twenty-six on the returns of the preceding year.* The fifty-two Common School Libraries contain Five Thousand, Two Hundred and Fifteen volumes,—being an increase of Three Thousand, Six Hundred and Thirty-six volumes during the year. There will also be found an encouraging increase of volumes in the Sunday School and Public Libraries reported. The total number of Libraries reported are Five Hundred and five—containing Sixty Eight Thousand, Five Hundred and Seventy-one volumes; being an advance of seventy four Libraries and Eight Thousand Six Hundred and Ninety-four volumes, upon the number reported the preceding year.

Under the head of School Requisites, it will be seen that One Thousand and Eighty-five Schools are reported as having large maps,—being an increase, during the year, of Three Hundred and Eighty-nine; forty-nine Schools as being furnished with Globes,—being an increase of seven; One Thousand, Three Hundred and Thirty with Black-boards—being an increase of Five Hundred and Twenty-nine. Nothing speaks more decisively than the furnishing of Schools with such requisites, as to the advancement which is taking place in the minds of the people in various parts of the Province, in providing good Schools and sound Education for their children. In every instance, where Maps, Globes and Blackboards are provided for a school, it shows practically that the people have acquired correct views of the nature of a good Common School Education, and of the means of imparting it, and that they are nobly disposed to secure it to their children. This is the more praiseworthy and encouraging as the grown up inhabitants of the Country have, to a great extent, been deprived of these educational advantages themselves.

The Provincial Normal and Model Schools, 1849.

In my Annual Report for 1847, I explained at large the nature of the system of instruction pursued in the Provincial Normal and Model Schools, and the manner of their establishment and superintendence.† In my Report for 1848, I briefly adverted to the statistics, exhibiting their continued and increasing success. ‡

As the Institution has now been in operation two years and a half, and, as the Legislature has determined to place it upon a permanent footing, by continuing and increasing its means of support and usefulness, and by providing liberally for procuring premises for it, and erecting suitable Buildings, I think it due to the public to present as complete a statistical view as possible of the operations of this first "Normal College for the People." This will be found in Statistical Table I, Abstracts numbered One, Two and Three. § The Institution has been open five Sessions of five months each. Abstract, Number one, Statistical Table I, shows the number of Students applying for admission, rejected, or admitted, in each Session; whether male, or female; how many of them had previously been Teachers; how many of them received Government assistance, and the amount of such assistance given; how many attended a second Session without assistance; how many left during each Session, to take charge of Schools, or from sickness, or poverty; how many were dismissed for incapacity, or negligence, or excluded for misconduct; how many received regular Certificates. Abstract Number Two, of the same Statistical Table, shows the Municipal Districts from which the Students have come, and how many came from each District; and Abstract Number Three, shows the Religious professions of the Students.

The Table itself sufficiently evinces the success of the experiment; but it will probably appear more satisfactory by comparing it with that of the New York State Normal School, at Albany. It will be recollected, that the population of the State of New York is Three millions;—that of Upper Canada three quarters of a million,—one fourth of the population of the State of New York. The State Normal School, at Albany, has been in operation five years; that of Upper Canada two years and a half. In each Institution there have been two Sessions, or Terms, each year. During the ten Sessions of the New York State Normal School, One Thousand, Eight Hundred and Sixty-one Students have been admitted; of whom the Executive

* See pages 216, 219, (Section xiii), and 221-223 of this Volume.

† See pages 171-175 of the Seventh Volume of this Documentary History.

‡ Page 103 of this Volume.

§ These Tables are not inserted here.

Committee in their last Annual Report state, "Four Hundred and Twenty-eight have graduated; and One Thousand, One Hundred and Thirty have enjoyed the advantages of the School, for a longer or shorter period." During five Sessions of the Upper Canada Normal School, Six Hundred and Twenty-five Students have been admitted, of whom Two Hundred and Ninety-nine have received regular Certificates, on leaving the School. Had the Upper Canada Normal School been open as many Sessions as that of the State of New York, and, supposing no increase whatever in the number of Students during the last five Sessions, the number of Students in Upper Canada would have been two-thirds instead of one-fourth as many as in the State of New York. But the following Table will show the number admitted into the Upper Canada Normal School during the first five Sessions of its existence, and also into the New York State School, during the corresponding period :—

Number of Session of the Upper Canada Normal School.	Normal School of	
	Upper Canada.	New York.
First Session, number admitted	71	98
Second Session, number admitted	140	185
Third Session, number admitted	123	197
Fourth Session, number admitted	131	205
Fifth Session, number admitted	160	178
Total admitted	625	863

Now, the attendance at the Upper Canada Normal School, in proportion to the populations of the two Countries should have been one-fourth of that of the attendance at the New York State Normal School; instead of which, it is three-fourths. When, therefore, the success of the New York State Normal School is regarded as a ground of satisfaction and congratulation to the Statesmen and Educationists of that State, the success of our own Normal School must be viewed with peculiar satisfaction by every true-hearted Canadian.

The conditions and engagements, on which Students have been admitted into both of these Institutions, are precisely the same; the course of Instruction in the two Institutions is essentially the same, with two exceptions. In our Institution, practice-in-teaching is incorporated with the whole course of Normal School instruction, in a Model School of three hundred Pupils. At Albany, the Student practises teaching only about two weeks at the close of the Session, in what is called an "Experimental School" of ninety pupils. With us, prominent attention has been given, from the commencement, to Vegetable Physiology, Agricultural Chemistry, and the Science of Agriculture, and graciously encouraged, during the last two years, by Lord Elgin,* the Governor General, by means of two Prizes to the best proficients in Agricultural Science. At Albany, this last subject has only engaged the practical attention of the authorities of the State Normal School during the last year. The extracts from several District School Superintendents' Reports, given in the following section of this Report, will show what the influence already is of our Normal School Instruction, in different parts of Upper Canada: and, I believe the following paragraphs, taken from the last Annual Report (for 1849) of the Executive Committee of the New York State Normal School, at Albany, in reference to the influence of that Institution, during the last five years, may be applied, with equal force, to the influence in the Province of the Upper Canada Normal School during the last two years and a half :—

It is believed that the Teachers from the Normal School, have caused great improvements in the Schools where they have taught, in regard to Reading, Spelling, and the study of Geography and Arithmetic; Linear Drawing, Map Drawing, and Vocal Music have also been introduced; and, in a considerable number of our Schools, Algebra and Geometry are regular studies. This marks a state of progress far in advance of what the district Schools exhibited twenty years ago, and, while the Committee do not claim a tithe of this honour, as due to the Normal system, they, nevertheless, are of opinion, that the Normal School has given additional impetus to the forward tendency, and has placed Common School Education in such a position that it cannot go backwards. From the very nature of the system, its influence must also steadily increase, and the day is not far distant when, as a legitimate effect of the Normal School, not only greater thoroughness, but also higher attainments will be demanded of the Common School Teacher.

The history of the past five years, exhibits also a very gratifying improvement in the circumstances of the Teacher; the profession is becoming more respectable, the salaries are considerably increased, and there is a greater demand for competent Teachers, and hence, there is not among Teachers

* See pages 250, 252, 255, 257-262 of this Volume.

that restless desire to change their occupation ; many of the graduates of the State Normal School have expressed their intention of making Teaching the business of their lives,—declaring that their prospects, in that profession, were better than in any other occupation.

The Committee, appreciating the great and growing importance of Agricultural Science, and, considering it, in its elementary principles, an appropriate subject for Common School Instruction,—and considering also, that, with the aid of suitable Text-Books now,—or soon to be attainable, the subject, always appropriate, has,at length,become feasible for such instruction, have recently assigned to it a more prominent place than it had before held in the Normal School, by making it a separate, or independent, branch of study, and requiring it to be taught, as an essential, or constituent, part of the course of study pursued in that School. The Committee, impressed, as they themselves are, with the great importance of this new subject of study, hope to be able, through their Normal graduates, acting under a like impression, to cause it to be introduced into all the Schools, taught by such graduates, and through their influence, and that of such Schools, to cause it to be finally adopted as part of the regular course of study in all the Common Schools, at least in the rural, or agricultural, parts, of the State.

(NOTE. I have not inserted here from the Report of 1849 the Extracts from the Remarks of the various local School Superintendents, which were appended to that Report by Doctor Ryerson. They are in substance—only more full and extended—than those given, from these Superintendents, on pages 96-102 of this volume.—J. G. H.)

CONCLUDING GENERAL REMARKS BY THE CHIEF SUPERINTENDENT OF EDUCATION.

This Report concludes the three years' operations of the School Act of 1846, (9th Victoria, Chapter 20.) and the two years' operations of the City and Town School Act of 1847, (10th and 11th Victoria, Chapter 19,) the former Act having come into full force in January, 1847, and the latter in January, 1848.

While the Statistical part of this Report presents a tabular view of the operations of these Acts during the year 1849, the Statistical Tables (1, 2, and 3 in the Appendix*) exhibit not only the disposition of the Legislative School Grant for 1849, but the progress of the Common Schools, (independent of the Normal School,) in Upper Canada during the whole period of the operations of these School Acts, and the state and progress of Education in connection with all the Educational Institutions of the Country since 1842,—as far as it has been possible to obtain information. The other Documents in the Appendix show some of the means which have been employed to give effect and efficiency to the School Laws.† Notwithstanding the humiliating and appalling fact that of the 253,364 children, between the ages of five and sixteen years, in Upper Canada, upwards of 100,000 are returned as not attending any School ; there are strong grounds of hope, and circumstances of encouragement for the future, to which I desire to revert in these concluding general remarks.

1. The principle of taxation for the support of Schools is now universally admitted in Upper Canada,—is not opposed by a single Municipality, or Newspaper of any description,—but is regarded as a public necessity, as much so as taxation for the support of Government itself. Since 1840, no inconsiderable opposition has been made to the introduction of this principle as an indispensible condition of receiving public aid for the support of Common Schools.‡ It has been strongly opposed in some parts of the Province within the last five years. To the honour of those public men who staked their parliamentary standing upon an adherence to it, the principle has triumphed, and it may now be regarded .not only as the settled opinion of the Country, but as a principle of voluntary action in all Municipalities.

2. The progress of the application of this principle of taxation for the support of Common Schools, is another encouraging ground of hope for the future. In 1842, the gross amount available for the salaries of Teachers in Upper Canada, was £41,500, ($216,000,) ; the gross amount available for that purpose in 1849, was £88,478, ($353,912.) The Legislative School grant was the same both years—a little less than £20,000 (80,000.) The rest was raised by local voluntary taxation, in the Municipalities and School Sections,—an increase of more than 300 per cent. in seven years ; and that for Teachers' salaries alone, irrespective of the yearly increasing sums expended in the erection of School Houses, and various incidental expenses of the Schools. I am not aware of any State, or Province, in America, in which anything like the same progress has been made in this respect.

* These Tables are not inserted.

† The most important of these Documents are given, under appropriate heads, in other parts of this Volume.

‡ See Chapter V. of this Volume.

3. The extent to which the principle of taxation for the support of Schools in particular Municipalities and School divisions, is also a significant indication of past and future advancement. In many parts of the Province, the principal of poll-tax, (or Rate-Bill,) upon children attending School, is falling into disrepute, and the principle of rate according to property for the entire support of the School, making it free to all children of school age, is obtaining, and promises soon to become prevalent throughout the land,—thus assuring to each of its children the birthright to a good education. Some of the papers which I have put forth [lately relating to] this greatest of all social and national interests are given in the [next Chapter].

4. The increase in the attendance of pupils at the Schools, is likewise a ground of thankfulness and encouragement. The whole number of children of school age attending the Common Schools in Upper Canada in 1842, was 65,978 ; in 1849, it was 137,633.

5. Without taking into account the better qualifications of the Teachers, and higher character of the Schools, to a very great extent, three additional agencies have been brought into operation during the last three years ; (1), the extensive use of an uniform series of valuable Text-Books for the Schools,—(2), the Provincial Normal School -and (3), the *Journal of Education for Upper Canada.**

6. The doings of the people of Upper Canada, as compared with those of the people of the State of New York, in proportion to population, notwithstanding the newness of our School System. It has been shown in preceding sections of this Report, that, while the population of Upper Canada is one-fourth that of the State of New York, we have had three-fourths as many Students in the Normal School during a like period ; that the average time of keeping the Common Schools open during the last school year, throughout the whole State, was eight months in New York, while in Upper Canada, it was nine months and one-third of a month ; that while the amount available from all sources in the State of New York for the salaries of School Teachers, during the last year, was £156,364, ($625,456,) in Upper Canada, it was £88,478, ($353,912,) more than one-half that of the State of New York, with one-fourth of the population.

7. The decline of party spirit, and the cordial and patriotic feeling evinced by the great majority of all Religious Persuasions and parties in the Country to unite their best exertions and influence for the diffusion of education and knowledge among the children and youth of the Land ; a feeling which must be greatly strengthened by the example of the leading men of different parties in the Legislature during their recent deliberations on the School Law.

8. The very greatly increased facilities which the new School Law affords for promoting the objects and interests of every department of our Common School System, together with the satisfactory conviction which the calm and protracted consideration which was bestowed upon its leading provisions in the Legislature, and the assent of all parties to them, must produce in the public mind the satisfactory conviction, that all the great principles and features of our School System may be considered as settled ; and that it now remains for all lovers of their country and their offspring, to give the provisions of the law the greatest possible effect, and bestow upon all the children of the land the best possible education.

To contribute in ever so humble a degree to this greatest good and highest glory of my native Country, I desire, with renewed confidence and devotion, to consecrate my life.

TORONTO, 8th August, 1850. EGERTON RYERSON.

(NOTE. As various Statistical information, in regard to the condition of the Common Schools of Upper Canada in 1848, is given on pages 106-109 of this Volume, I have not inserted here the voluminous Statistical Tables, (prepared by myself), which follow, and form part of, the Chief Superintendent's Report for 1849. They can be seen in the Appendix to the Journals of the House of Assembly for 1850.—J. G. H.)

* This *Journal of Education* was established in 1848, but was discontinued in 1877 by Order-in-Council.

CHAPTER XIX.

EXPLANATORY PAPERS OF THE CHIEF SUPERINTENDENT, RELATING TO EDUCATION IN UPPER CANADA.*

I. FRUITS OF THE PRESENT COMMON SCHOOL LAW OF UPPER CANADA.

Up to the present moment, I have published no general statistics, illustrative of the operations of the present Common School Law of Upper Canada except in my Annual Reports. In one or two instances, I have given in the *Journal of Education* two, or three, statistical statements on particular points, but have entered into no details. The law of 1847 came into full operation on the 1st of January of that year. The first ten Sections of it, relating to the Provincial Superintendent, to the Provincial Board of Education and to the District Councils, came into force in June, 1846. The year 1846 was, therefore, a year of transition from the late to the present Common School Act.

The opposition which was made in certain quarters, to the present Act, on its first introduction and the prejudices which were excited against it, in the minds of many persons, by almost incredible representations,† are known to most people who take an interest in our Schools, and the removal of those prejudices by actual experience, and the general approval of the Act, by those who are most interested in the promotion of Common Schools, and have done most to advance them, are facts equally well known. The test of experience has resulted in the prevalent opinion in favour of the general provisions of the present School Act, with a conviction equally general as to defects in some of its details, arising chiefly from the want of greater discretionary power in Local Trustees and Councils.‡

But the question is, has the system of Common Schools advanced in Upper Canada, since the present Act came into full force in January, 1847? I desire to answer this question by referring to two Tables of Statistics, which formed part of an Appendix to the Chief Superintendent General School Report for Upper Canada, for 1848, transmitted to His Excellency, the Governor General.§

The Normal School, a uniform series of School Text Books, Public Quarterly School Examinations, triennial election of School Trustees, classes of appropriate School Visitors, comprehensive statistical School Reports, are the creation of results of the present Common School Act, apart from an increase of two months, or one-sixth, in the average time, each year, during which the Schools are kept open throughout Upper Canada, an increase of ten *per centum per annum*, in the attendance of pupils at the Schools, an annual increase of more than ten *per centum per annum*, in the amount of moneys raised by voluntary local taxation, for the salaries of Teachers; to which may be added last in order, but first in importance, an increased interest on the part of a large portion of the people of the several Municipal Districts in respect to Common School Education.

The various Statistics and illustrations furnished in the General School Report, for the years 1847 and 1848, referred to, can alone do justice to the the present Common School System; but the brief general Statistics contained in the Tables just referred to, will give some idea of its operations and progress. Each person can draw his own conclusions of the general working of the School System, after a careful examination of those Statistical Tables; but I would here add two or three explanatory and general remarks:—

1. The Legislative Grant, in aid of Common Schools in Upper Canada, has not been increased. This is £19,500, ($78,000,) per annum, exclusive of £1,500, ($6,000,) per annum, in support of the Provincial Normal School. Whatever increase, therefore, there has been, since 1846, in the amount of money raised for the support of Common Schools, has arisen from voluntary local taxation.

2. The amount of moneys reported in the Tables referred to, is for the salaries of Teachers alone, not including the expenses incurred from local Superintendence, the erection and repairs of School Houses, etcetera. The present law does not permit any part of the School Fund to be expended for any other purpose than the payment of the Salaries of legally qualified Teachers.

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* See also Paper of the Chief Superintendent on pages 63, 64 of this Volume.

† See Chapter XIII. of the Seventh Volume of this Documentary History, and also Chapter V. of this Volume.

‡ See Opinions, on this subject, of District School Superintendents, on pages 97-102 of this Volume.

§ These Statistics are given on pages 106-109 of this Volume.

3. It will be seen by the Tables referred to, that, while there has been an increase in the amount of money raised for the salaries of Teachers, at the rate of nearly $40,000 per annum; one-fourth of that increase will be found under the head of Municipal Assessment, three-fourths of it will be found under the head of Rate-Bills—a department of School moneys, which entirely depends upon the voluntary co-operation of the Trustees and their constituents in the several School Sections

4. It is a gratifying and encouraging fact, that, over and above the amount of the Legislative Grant, and the sums raised for the salaries of local Superintendents, the erection of more than a hundred School Houses, the repairs of many others, etcetera, the people of Upper Canada have, in the year 1848, by local voluntary taxation, for the salaries of Common School Teachers alone, raised the sum of Two Hundred and Sixty-four Thousand dollars, ($260,000,) a sum, which many will be surprised to learn, is larger in proportion to the population of Upper Canada, than that raised in the same way and for the same purpose, by our neighbours in the State of New-York, in proportion to the population of that State.

5. It will also be observed from the Statistical Tables referred to that the number of School visits made by Clergymen, Magistrates and Municipal Councillors, as authorized by the present Act, has been much larger, than had been anticipated; that there has been a considerable increase of School visits in 1848 and 1849 over that of 1847. There is every reason to believe, that the present and subsequent years will witness a large increase of such visits. The salutary influence of them can be easily conceived.

6. It is furthermore worthy of remark, that, although, there is a large aggregate increase of pupils in the Schools, the increase in their average attendance, (since the substitution of the Quarterly, for the Day, Rate-Bill system,) is much larger than the aggregate increase. It appears from Statistics in the Annual Reports for the years 1847, 1848 and 1849, (not contained in the tables alluded to,) that the gross average attendance of pupils in the Summer of 1848, was 72,204. The gross average attendance of pupils in the Winter of 1849 was 78,466.

7. In every municipality in Upper Canada, with the single exception of the City of Toronto, there was an increase of School moneys in favour of 1849 over 1848. In one of the two General School Reports of these years, as laid before the Legislature, and ordered to be printed, a comparison has been instituted between the progress and state of the Common Schools in Upper Canada, and in the State of New York;* and it is clear that, if the people of Upper Canada advance in their School operations for five years to come, as they have during the last two years, they will not only equal, but even be in advance of our New York neighbours, excepting in the Cities and Towns and in the important department of School Libraries,—a department which we hope the Government and Legislature of Canada will enable the Education Department to commence, during the current year.†

II. DOES PUBLIC SENTIMENT, IN FAVOUR OF POPULAR EDUCATION, INCREASE IN UPPER CANADA?

1. If the amount, contributed during each year, in the various Municipalities of Upper Canada, be an indication of the progress of public sentiment on the subject, then the answer can be given most decidedly, that it does; and present the following facts in proof:—

In 1846, notwithstanding the inevitable derangement in school affairs, occasioned by the transition from one School law to another, the total amount available for the salaries of legally qualified School Teachers in Upper Canada—exclusive of the Legislative School Grant, was $188,319.23
In 1847, exclusive of the Legislative School Grant $228,374.13
In 1848, exclusive of the Legislative School Grant $267,284.79
In 1849, the amount available for Teacher's Salaries, exclusive of the Government Grant, was $278,624.27
or an increase in the local voluntary contribution of the people at the rate of about $40,000 a year since 1846!

2. If the nominal and average attendance of pupils at the Common Schools, as compared with the School population, be a test of the progress of popular education in Upper Canada, then we have no reason to be dissatisfied with our progress. The statistics are as follows:—

* See pages 273, 274, 279 and 280 of the preceding Chapter of this Volume.

† See pages 214, 219, (Section xiii,) and 221-223 of this Volume.

	School Population in Upper Canada.	Nominal School Attendance of Pupils.	Average School Attendance of Pupils.
In 1846	204,580	101,912	No Report.
In 1847	230,975	124,829	89,991
In 1848	241,102	130,739	147,170
In 1849	252,478	138,465	150,670

3. If the number of official visits made by School Visitors and others to the Common Schools be an indication of the deep and growing interest, evinced by the most influential members of the community, in the success of these institutions, then we have reason for congratulation on this point. The following are the official returns of School visits :—

In 1846, by Superintendents of Common Schools, etcetera.. 5,925
In 1847, by Superintendents of Common Schools and School Visitors 11,675
In 1848, by Superintendents of Common Schools and School Visitors 13,835
In 1849, by Superintendents of Common Schools and School Visitors 15,775

of these visits, 1,823 were made by the Clergy of the Province, in their capacity as School Visitors, in 1847 ; 2,254 in 1848, and 2,848 in 1849 : The remaining visits were made by District Superintendents, Municipal Councillors, Magistrates and others—They indicate a very satisfactory progress.

4. If the adoption, in very numerous instances of the Free School System, in various parts of the Province, be a proof of the spread of sounder principles than has heretofore prevailed, in regard to a more generous system of universal education, then we have cause for rejoicing for the future prosperity of Upper Canada.

In various parts of the Niagara, Prince Edward, Talbot, Brock, and other Districts, this patriotic and popular mode of raising the Teacher's salary has been adopted ; and the fruits are seen in the much larger attendance of pupils, the tranquillity of the School Sections, the absence of all causes of local differences between Trustees and their neighbours and the Teacher on School matters, and the general prosperity of the Schools themselves. The following are some of the statistics of a few Districts for the last years, showing the effects of even the partial adoption of the Free School System, in a District, upon the School attendance of such District, as compared with other Districts and Towns in which no movement has been made in this direction.

Districts and Towns in which the Free School System has been in partial operation, during the year 1848, 9 :—

	School Population.	Pupils Enrolled.
Niagara District	11,848	9,348
Niagara Town, (adopted fully)	668	716
Prince Edward District	5,634	4,212
Talbot District	6,694	4,365
Brock District	9,414	5,811

Districts and Towns, in which the Free School System has not been in operation during the year 1848, 9 :—

	School Population.	Pupils Enrolled.
Home District	28,589	13,784
City of Toronto	5,500	1,678
Colborne District	7,700	2,995
Huron District	2,482	2,459
City of Kingston	3,461	524

Districts and Towns in which the Free School System has not been in operation in the year 1849 :—

	School Population.	Pupils Enrolled.
Home District	30,237	15,507
City of Toronto	6,149	2,176
Colborne District	8,177	2,752
Huron District	7,006	2,889
City of Kingston	2,500	810

5. Reference might be made to many other indications of the progress of public sentiment in Upper Canada, in favour of the great work of popular enlightenment, which could not fail to create satisfaction and pleasure in the minds of the ardent friends of Education : but having, in connexion with two very comprehensive Tables of School statistics in preceding Annual Reports, directed the attention of the public to this subject, simply confine ourselves to an additional remark or two.

(1) The years 1846-1849 have been signalized by the establishment of a Provincial Normal and Model School, and by the very general introduction, into our Common Schools of a uniform series of excellent Text Books. Our Schools have increased since 1846, from 2,589 to 3,036 in 1849. School celebrations and interesting quarterly examinations have, in a great degree, contributed to our progress ; while the number of superior School Houses which have been erected, and are now in course of erection, the more general demand for competent Teachers, the popularity of well-trained Teachers from the Normal School, and the decided increase in the amount of Salary, given each Teacher by the local Trustees, indicate the existence of a widely extended and more deeply rooted feeling of progress in the minds of the people generally ; and a determination to sustain the interests of what, to a vast majority of them, is their only college ; and to elevate to its proper position, the highly honourable yet laborious profession of School Teaching.

(2) There is still, however, a vast amount of serious responsibility, resting upon the people of Upper Canada in regard to their Common Schools ; and particularly upon the more intelligent and influential members of the community.

(3) In addition to the greatness and vast importance to the best interests of the Country itself, of the complete success and efficiency of the Common Schools, let it be remembered that this is now an eventful and critical period in the history of our educational state and progress as a people. The fact, that those more immediately concerned are themselves becoming so anxiously alive to the character and prosperity of our elementary schools, should induce a strong and vigorous effort, on the part of such as, from their local position and influence have the power to effect much good, to cordially unite in the noble efforts of the people, and animate them to still further exertion by their spirited example. To hesitate or appear listless, is to pluck up the tender vine, or to destroy the budding germ of noble and generous fruit. The seeds of Canada's intellectual future may now be sown broadcast by the hands of her own faithful and patriotic sons. The soil is rich and fertile. As yet no rank weeds appear upon its surface, to shut out the bright sunlight from the tender plant, or to mar the general beauty of its broad, fair landscape. The grain of mustard seed is, as yet, in the hands of a sower, or but just dropped into the fruitful furrow, whence it will spring forth the mighty monarch of the forest, casting its sweet and pleasant shade across the land.

(4) The deep anxiety and unwearied solicitude of the "Fathers of New England" to nurture and protect the budding destinies of their country, during its intellectual infancy, presents an affecting lesson for our study, and an example, in its spirit and practical tendency, worthy of our imitation.

As an instance of this paternal solicitude of the early New Englanders, Mr. Bancroft, the present American Ambassador at the Court of Saint James, in his "History of the United States," quotes the following striking passage from the history of Harvard University, Massachusetts, which is of so touching a character, that I cannot refrain from giving it entire :—

In 1620, the Pilgrims landed in America. In 1636, the General Court voted a sum, equal to a year's rate of the whole Colony, towards the erection of a College. Two years after, the Reverend John Howard bequeathed to the College one half of his estate, and all his library. The infant Institution was a favourite. The Towns in the east of Massachusetts, often contributed little offerings, while the gift, of the rent of a ferry, was a proof of the care of the State ; and once a year, every family in the Colony gave to the College at Cambridge, twelve pence, or a peck of corn ; while the Magistrates and wealthier men were profuse in their liberality. The celebrated Bishop Berkeley of

Cloyne, bequeathed in 1730 to Harvard and Yale Colleges, New England, a farm he had purchaseed, on his arrival in America, whither he had come to found a College at Bermuda, and the Books he had imported. The College in return, exerted a powerful influence in forming the early character of the Country. In this, at least, it can never have a rival. In these measures, (continues the elegant Bancroft,) especially in the laws establishing Common Schools, lies the secret of the success and character of New England. Every child, as it was born into the world, was lifted from the earth by the genius of the Country, and in the Statutes of the land, received as its birthright, a pledge of the public care for its morals and its mind".

What an example for Upper Canada! If she too by wise laws and generous solicitude lays the foundation of her future moral and intellectual greatness, how rich a legacy will she bequeath to her sons! Let every child in Canada, as in New England, as it is born into the world, be lifted from the earth "by the genius of the Country, and, in the Statutes of the land, let it receive, as its birthright, a pledge of the public care for its morals and its mind!

III. THE PUBLIC VOICE ON THE PRESENT SYSTEM OF ELEMENTARY EDUCATION IN UPPER CANADA.

1. The various Statistics of the Annual School Reports are almost entirely new: and the machinery by which they have been obtained, as also that of managing the whole School System, had to be created and put into operation,—including what has been found the most difficult to commence and accomplish in all educational countries,—the establishment of a Normal School, and the introduction of uniform and suitable Text-Books for the Schools generally.

2. The public are now prepared to pronounce a verdict upon the merits of the School System for Upper Canada, including both the law and its administration, introduced in 1846, from the first fruits of it, which are presented in the two Annual Reports, of 1848 and 1849. That verdict, we think, has been decisively pronounced, through the public press of all parties, during the last year. In no single instance has any one principle, or feature, of the System, as illustrated in these Reports, been objected to; and, in every instance, as far as I have seen, has satisfaction been expressed at the unexpected and great success of the System. I happen to know, that the administrators of the School System in the States of New York and Connecticut have expressed their belief, that the success of the two years' operations of the School System in Upper Canada is without a parallel in the educational history of any State, or Country. I believe that very general surprise has been felt at the extraordinary progress which has been made in the short space of two years towards bringing into operation the varions parts of a Public System of Instruction, and creating so wide-spread an interest in the improvement of Schools. It is true, the much anxious Study and painful labour which was involved in devising such a system and bringing it into operation, cannot be easily conceived; but the early and general appreciation of its incipient results, and the prospect which they open to our Country, is a satisfaction scarcely less conceivable.

3. The questions naturally arise, by what means has such an advancement in our School interests been effected? And by what means may it be accelerated and extended?

In examining the School Law and the measures adopted to bring it into operation, it is apparent, that no coercion, or arbitrary power, has been employed to secure the results so satisfactory to all parties. The characteristic principle of the School System contemplated by the law, is voluntary municipal and corporate co-operation. Not a single Municipal Council, or Corporation of Trustees, was compelled to raise a farthing of the $278,624 in 1849 from local sources for the salaries of Teachers alone, apart from the Legislative School Grant, and the various sums raised and expended for the erection, rents, repairs, furnishing, and warming of School-Houses, etcetera. The whole amount of the Legislative School Grant apportioned last year (1849), for the salaries of Teachers, did not quite reach Seventy-six Thousand dollars ($75,288,); and the only power possessed by the Head of the Department of Elementary Instruction, or by the Government, has been the inducements which the expenditure of this small sum has enabled them to hold out for the encouragement of local exertion. The education of the people through themselves is the vital principle of the law. Coercion is alien to the spirit of the System. The legal power of the Chief Superintendent of Schools is vastly less in Upper Canada than in Lower Canada, or in the State of New-York, and his legal resources are, therefore, proportionably limited. A greater error was never conceived, than that arbitrary power was intended to form an element of our present Common School System.* Any erroneous impressions of that kind which may, at one time, have been in some instances entertained, have long since been corrected by the practical workings of the system. It is essentially a system of voluntary development; and the very administration of it, in the various Municipalities and School Sections, has been a species of social Normal training, eminently conducive to the diffusion of a spirit of self-reliance, intelligence and patriotic enterprize.

* See pages 214, 215 of the Sixth and page 197 of the Seventh, Volume of this Documentary History.

4. The primary cause of the success which is now the subject of general congratulation, is doubtless the adaptation and plainness of the School Act, and the Forms and Regulations furnished for its execution. At first, erroneous representations of the provisions and objects of the School Act were, in some instances, received as the provisions themselves; and that influence, no doubt, for a time, impeded the operations of the law in some localities.* The fact, that the School Law and School System have outlived such misrepresentations, admirably illustrates the simple and practical character of its provisions, which, on being tested by experiment, changed strong suspicion and prejudiced hostility, into rational confidence and generous support. Nine out of ten of the District Councils having tacitly, or avowedly, expressed themselves in favour of the law, (and that even after some of them had, at first, been prompted to express other opinions), and the testimony borne in the Reports of Local Superintendents,—(See quotations from them on pages 96-102 of this Volume,) together with the statistical results, which the operations of the law exhibit, is ample proof that the law was adapted in its general provisions to the real circumstances and feelings of the people. This is the more remarkable from the fact, that, although, there was nothing redundant, or complicated, in the provisions of the law, it has been felt, that the efficiency of those provisions would be greatly increased by giving larger powers to Municipal Councils and School Trustees, to enable them more easily to fulfil their respective functions,—an object which the Chief Superintendent of Education has sought to accomplish for the last two years.

5. But that which lies at the foundation of the satisfactory progress, which has been made in our system of Schools, and, without which, all the plans adopted for their improvement would have accomplished little, is the good sense, the candid and noble spirit of the people at large, aided very generally by the judicious counsels and diligent exertions on the part of the local School Superintendents. All attempts, which have at any time been made to excite any considerable portion of the people of Upper Canada to an unreasonable and continued opposition to any law, or man, have proved unsuccessful. They have, at all times, shown themselves competent and determined to examine, to think and decide for themselves, regardless of the fallacies of the sophist, or the appeals of the partizan; and to act a rational and patriotic part, irrespective of personal feeling, or party predilection. It is to these wide-spread and controlling elements which characterise and distinguish the public mind of Upper Canada, that is mainly to be attributed the cordial adoption and generous support of the present System of Common Schools. The inhabitants at large, without regard to sect, or party, have examined and tried for themselves. And when we reflect on the circumstances under which that trial has been made; when we consider the many years of opposition and delay, which have attended the introduction and establishment of the best School Systems in other Countries; and moreover, when we consider that greater advancement has been made during three years in Upper Canada towards the establishment of a simple, comprehensive, uniform system of elementary education than was effected in the State of New York during the first twenty years of its School system, we think every right-hearted Canadian will, on this ground alone, cherish a higher respect, and feel a warmer affection than ever for the land of his nativity, or adoption.

6. When we turn from the past to the future, we have several grounds of encouragement. One is the experience which has been gained by all parties concerned by the practice of individual exertion and the diffusion of practical knowledge. The past has been but a normal apprenticeship. The success of that warrants pleasing anticipations for the future.

7. A second ground of encouragement is, the improved feeling of good will and unity on the great national work of educating the young. The attempts made by a few persons, two or three years since, (as has been shown,) to make the system of Common Schools the battle-ground of political party, have died away,—having been discountenanced by the leading men of all parties, and frowned down by the good sense of the people at large. Whatever diversity of opinion there may have been, or may be, among public men, or classes of the community on other subjects, they have found, in the education of the rising generation, a subject on which they all think the same thoughts and speak the same language,—a subject, in which the new institutions of the Country, the spirit of the age, and the impulses of an advancing civilization, demand their united sympathies, influence and exertions. The acerbity of party and personal bitterness has, with few exceptions, consumed itself, or been dissipated, by the infusion of a more generous influence. Union of exertion has produced a growing oneness of feeling,—a feeling which draws together, in the noblest department of a nation's work, men of all sects and parties. If there is any malediction in the bosom of charity, we are persuaded it will denounce the Country's heaviest displeasure upon every attempt to blow the dying embers of party strife, or infuse into this great work, a single element of division, or animosity.

8. A third ground of encouraging anticipation is, the two-fold conviction which has gradually taken a very general hold upon the Country:—The one is, the need and desirableness of improving our Common Schools; the other is, the possibility of doing so, and that to an extent which will place them upon a footing with those of the neighbouring States. The comparison

* See Chapter XIII. of the same (Seventh) Volume.

which was instituted in the School Report, [published in this Volume], between the state and progress of the Common School System in Upper Canada, and in the State of New York, has shown, that what was regarded a short time since by great numbers of persons in Canada as utopian, is not only possible, but is within the grasp of a few years persevering and united exertion. Such a conviction in the public mind is the first essential condition of success, and a powerful element of influence for its attainment.

Who then will do the most towards promoting such a consummation? The population of the Country is made up of units; every individual is, therefore, an element of greater, or less, power to mould and form the spirit and character of the mass. The necessity is the most pressing among the common classes of society; the modifying, elevating and directing influence is most powerful among the professional, the better educated, the wealthier, classes. Doing for one's Country and race, in proportion to ability,—whether mental, moral, or material,—is a principle of patriotism and humanity, as well as of Divine Revelation. Let every person in every rank in society imbibe this spirit; let him labour to diffuse it; let it pervade the public mind, and the result is certain: for, as the eloquent Richter remarks: "The spirit of the nation and of the age decides, and is at once the school master and the school; for it seizes on the pupil to form him with two vigorous hands and powers,—with the living lesson of action, and with its unalterable unity."

IV. RELATIONS OF GRAMMAR SCHOOLS IN 1849 TO THE COMMON SCHOOLS AND COLLEGES.*

To the appropriate functions of our District Grammar Schools attention was drawn by the Chief Superintendent of Education early in 1846, in his Report on a "System of Public Elementary Instruction for Upper Canada," with a view to better introduce some practical observations on the relations of District Grammar Schools, the following words which were employed upwards of three years since are here introduced:—

The basis of an educational structure adapted to the end proposed should be as broad as the population of the country: and its loftiest elevation should equal the highest demands of the learned professions, adapting its gradation of schools to the wants of the several classes of the community, and to their respective employments, or professions, the one rising above the other,—yet each complete in itself for the degree of education it imparts: a character of uniformity as to fundamental principles pervading the whole: and that whole based upon the principles of Christianity, and uniting the combined influence and support of the Government and of the people.†

2. Then, in the Second part of that First General Report, after having explained and illustrated by references to European countries the kind and character of the gradations of schools required for carrying into operation the system of instruction indicated in the words just quoted, the following observations occur:—

"Under this view, the same principles and spirit would pervade the entire system, from the Primary Schools up to the University: the basis of education in the Elementary Schools would be the same for the whole community,—at least, so far as public, or governmental provisions and regulations, are concerned,—not interfering with private Schools or taking them into the account: but, as soon as the pupils would advance to the limits of the instruction provided for all, then those whose parents, or guardians, could no longer dispense with their services, would enter life, with a sound elementary education: those, whose parents might be able and disposed, would proceed, some to the "Real School" to prepare for the business of a Farmer, an Architect, an Engineer, a Manufacturer, or Mechanic, others to the Grammar School to prepare for the University, and the Professions.

In the carrying out and completion of such a system, the courses of instruction in each class of Schools would be prescribed, as also the qualifications for admission into each of them, above the Primary Schools: each School would occupy its appropriate place and each Teacher would have his appropriate work, and no one man, in the same School, and on one and the same day, would be found making the absurd and abortive attempts of teaching the a, b, c's, Reading, Spelling, Writing, Arithmetic, Grammar, Geography,—(in all their gradations) together with Latin, Greek and Mathematics.

"I think, it is true, in the business of teaching, as well as in every other department of human industry, that, where there is a suitable division of labour, each labourer is more likely to become more thoroughly master of his work, and imbued with the spirit of it, than where his time and attention and energies are divided among a nameless variety of objects; and, as the example of England may be appealed to, in proof of the almost miracles which may be performed, in regard, both to the amount and qualities of manufactures, by a skilful division and application of labour, so may the examples of other Countries of Europe be adduced in illustration of what may be achieved, as to both the cheapness, the thoroughness, the various practical character, and the general diffusion of educa-

*The sketch of the District Grammar Schools here drawn by the Chief Superintendent refers to these Schools as they existed of more than fifty years ago. They were not, as a whole, subjects of Legislation until 1853—four years after this Paper was written.

†Page 142 of the Sixth Volume of this Documentary History.

tion, by a proper classification of Schools and Teachers, their appropriate training and selection by competition, together with an efficient system of inspection over every class of Schools,—the latter being the chief instrument of the wonderful improvement in the system of Public Instruction in Holland.

"The full development of such a System of Schools, is not the work of a day; but I hope the day is not distant, when its essential features will be seen in our own System of Public Instruction, and when its unnumbered advantages will begin to be enjoyed by the Canadian people."*

3. It is to the topics referred to, in the extracts which have been quoted, that it is desirable, at the present time, to call attention.

The District Grammar Schools were clearly intended to occupy an intermediate position between the Common Schools and the Colleges. Their object is distinct and peculiar; and so should be their organization. They are the first of the three stages in a system of liberal studies. As the College prepares for professional studies, so does the Grammar School prepare for the Colleges. Ought not the organization and system of instruction, therefore, in the Grammar Schools to have reference to the Colleges to which they are intended to be introductory? Or, should they be suffered to remain a compound of everything?

4. Do not the interests of classical learning require the existence of and endowment of special Schools for that purpose? Is not such the object of the District Grammar Schools? As they are partly endowed in 1797, for that object, ought they not to be made as efficient for its accomplishment as possible?† Can that be the case, as long as Grammar Schools are allowed to teach everything, that is taught in the Common Schools? Are not the subjects peculiar to a Grammar School ample to occupy the time and employ the energies of any one man? The eyes of an Argus and the arms of a Briareus would hardly suffice for the double duties of a Common School Teacher and a Grammar School Teacher combined. The Reverend Doctor G. W. Bethune, of Philadelphia, in a recent address, before a Literary Society of Harvard College, Massachusetts, speaks of an

"Omnigenous" competition, which is equally ready at inventing a cooking-stove or an ethical system, and will take to the Pulpit, the Bar, a Professor's Chair, a seat in the Senate, or the Presidency of the United States, if only sure, that the emoluments of the new speculation will only exceed those of a quack-medicine, a peddling-waggon, or a singing school."

Some such "omnigenous" powers seem to be ascribed to the Master of a Grammar School, when, in addition to teaching Latin, Greek, and Mathematics, he undertakes to teach all the branches of an English Education. The result of such an attempt must be, that, as a rule, no branch will be effectually taught. Those who send their children to the Grammar School, either to acquire an English education, or the elements of Classical learning, will be alike disappointed; both classes of children will sustain irreparable injury; and the design of the Imperial Government in endowing Grammar Schools will, in a great measure, be defeated. The Common School in the neighbourhood of such Grammar School, will also suffer corresponding injury,—a considerable portion of its legitimate support being diverted from it, by the rival competition of the Grammar School! Surely, it never could have been intended, that Grammar Schools should occupy the same ground as Common Schools, should compete with them; thus lowering the character and impairing the efficiency of both the Grammar and the neighbouring Common Schools.‡ It is the bearing of this question on the interests of Common Schools that is the reason for thus discussing matters relating to any class of seminaries in the Province, not managed under the provisions of the Common School law. The following suggestions are, however, offered:—

1. Whether a formal and thorough inquiry (by Commission, or otherwise,) into the state and character of the District Grammar Schools, in Upper Canada ought not to be instituted. The facts that, notwithstanding the existence of from thirty to forty of these District Grammar Schools in Upper Canada,—of there being no less than sixty Grammar School Scholarships established in the Provincial University,—of the University being munificiently endowed and provided with able Professors, and yet only eight students matriculating at the last Annual Convocation of 1849, a smaller number than annually enters the youngest of the Colleges in the newest States of the neighbouring Republic;—these facts, would appear to be quite sufficient to justify, if not demand, the most careful inquiry into the working of that class of Schools, on whose contributions the University depends for its numerical efficiency, as well as great numbers of youth for a sound elementary classical education.

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* *Ibid*, pages 197, 198.

† See terms of the Imperial grant for Grammar Schools on page 17 of the First Volume of this History.

‡ It will be seen by reference to the First Volume of this Documentary History that District Grammar Schools were first established by law in Upper Canada in 1809 and Common Schools in 1816; but, in neither case, were the strict limits of the functions of each class of Schools defined: and so indefiniteness in this matter existed until 1853.

2. Whether a Course of Studies and General Rules of Discipline should not be prepared and prescribed for the Grammar Schools,—fixing a standard below which pupils should not be admitted ; thus stamping upon the Grammar Schools uniformity and definiteness of character, making them efficient in promoting the objects of their establishment, and preventing them, in any instance, from the useless, if not worse than useless, attempt at teaching a multitude of things imperfectly instead of teaching a few things efficiently.

3. Whether a thorough system of Governmental inspection ought not to be established and exercised over the Grammar Schools, as well as over Common Schools.*

I am far from intimating an opinion that there are no efficient Grammar Schools in the Province, even under the present system, or rather absence of all system. There are several instances in which separate apartments for different classes of pupils are provided, and Assistants employed to teach the English branches. But such examples are rather exceptions to the general rule, than the rule itself. The general rule is, whether there be an Assistant, or not, to admit pupils of both sexes, and of all ages and attainments, from a, b, c, upwards, into Schools which ought to occupy a position distinct from, and superior to that of the Common Schools. Equally far be it from me to intimate, that there is any deficiency of qualifications on the part of Masters of Grammar Schools. But, I doubt not, that they will be the first to feel how much the efficiency and pleasures of their duties will be advanced by the introduction of a proper and uniform system, as they will be the first to confess, "*non omnia possumus omnes.*"

CHAPTER XX.

QUESTIONS IN REGARD TO RELIGIOUS INSTRUCTION IN THE COMMON SCHOOLS.

I. In reply to Questions relating to Religious Exercises in the Common Schools, the following answer was addressed in 1849 to the Reverend Doctor Fuller, Rector of Thorold, (afterwards Bishop of Niagara):

In compliance with the request of the Trustees of School Section Number one in the Township of Thorold, I return the following answer to the questions which you have submitted to me :—

Question. "Does the School Act now in force contemplate the opening and closing of Common Schools by prayer ?"

Answer. The Act of 1846 requires the Schools to be conducted according to such Regulations as may be prescribed by the Chief Superintendent of Education, under, of course, the approval of the Governor General-in Council, with the single restriction provided in the 31st Section, that

"No child shall be required to read or study in or from any religious book or to join in any exercise of devotion or religion which shall be objected to by his or her parents or guardians."

With this restriction you will find by the sixth Section of the "General Regulations and Instructions" prepared by the Chief Superintendent headed "Constitution and Government of Schools, in respect of Religious Instruction," the peculiar Religious Exercises in each School must be a matter of arrangement between the Trustees and Teacher. The latter, of course, is not at liberty to adopt any Religious Exercises, or form of Religious Exercises which are not approved of by the former, while the Trustees should not, of course, require the Teacher to adopt any Religious Exercises, or form of Religious Exercises, to which he may have conscientious objections. The Trustees will naturally only employ such a Teacher as will act in harmony with their views, as to the nature and form of the Religious Exercises to be observed in the School. These remarks contain an answer to your third, as well as to your first, question.

As to your second question I do not think there is anything sectarian in the forms of prayer contained in Mavor's Spelling Book, any more than in ordinary extemporaneous Prayers. As an individual, I could conscientiously adopt either mode in the devotional Exercises of a School.

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*This system of Inspection of Grammar Schools was only provided for in 1855.

I herewith transmit you a copy of the "General Rules and Regulations in regard to Common Schools," and refer you to them in respect to the mutual duties of Trustees and Teachers; as also to the twelfth Section of my Address to Trustees of Common Schools—for which see the 1st Volume of the "*Journal of Education*," page 77.

ENCLOSURE NUMBER ONE: *Section 6 of General Regulations on the Constitution and Government of Schools in respect to Religious Instruction.*

1. As Christianity is the basis of our whole system of Elementary Education, that principle should prevade it throughout. Where it cannot be carried out in mixed Schools to the satisfaction of both Roman Catholics and Protestants, the Law provides for the establishment of Separate Schools. And the Common School Act, securing individual liberty, as well as recognizing Christianity, provides, "That in any Model, or Common, School established under this Act, no child shall be required to read or study in or from any religious book, or to join in any exercise of devotion, or religion, which shall be objected to by his or her parents or guardians." With this limitation, the peculiar Religious Exercises of each School must be a matter of understanding between the Teacher and his employers. This must be the case in regard both to separate and mixed Schools.

2. In Schools which are composed both of Roman Catholic and Protestant Children, the Commissioners of National Education in Ireland have made the following regulations, which are worthy of imitation wherever desired and practicable in Canada:—

"One day in each week, or a part of a day, (independently of Sunday,) is to be set apart for the Religious Instruction of the children, on which day such pastors, or other persons, as are approved of by the parents and guardians of the children, shall have access to them for that purpose. . . . The Managers of Schools are also expected to afford convenient opportunity and facility for the same purpose on other days of the week. But where any course of Religious Instruction is pursued in a School during school hours, to which the parents of any of the children attending it object, the Managers are to make an arrangement for having it given to those who are to receive it at a stated time or times, and in a separate place; so that no children, whose parents or guardians object to their being so, shall be present at it."

The Commissioners of National Education in Ireland also observe in their Second Report, that,—

"In the National Schools the importance of Religion is constantly impressed upon the minds of the children, through the works calculated to promote good principles and fill the heart with love for Religion, but which are so compiled as not to clash with the doctrines of any particular class of Christians. The children are thus prepared for those more strict Religious exercises, which it is the peculiar province of the Ministers of Religion to superintend or direct, and for which stated times are set apart in each School, so that each class of Christians may thus receive, separately, such Religious Instruction, and from such persons as their parents or pastors may approve or appoint."

The Commissioners further explain the right of local Trustees or Patrons on this point:

"The Patrons of the several Schools have a right of appointing such Religious Instruction as they may think proper to be given therein; provided that each School shall be open to all Religious Communions; that due regard be had to parental right and authority; that accordingly, no child be compelled to receive or be present at any Religious Instruction to which his or her parents or guardians may object; and that the time for giving it be fixed that no child shall in effect be excluded directly or indirectly from the other advantages which the School affords. Subject to this, Religious Instruction may be given either during the fixed school-hours or otherwise."

3. The foregoing quotations [which might be greatly extended] from the Irish Commissioners' Reports are made, because their system may be considered as the basis of the Canadian System; their books having been adopted, and their methods of instruction being about to be introduced in the Provincial Normal School. That system is Christian, but not sectarian; secures individual right and denominational privileges, and is founded upon revealed truth.

ENCLOSURE NUMBER TWO: *Extract from an Address to Trustees and Teachers of Common Schools.*

12. On the all-important subject of the constitution and government of Schools in respect to Religious Instruction, I beg to refer you to the book of Forms, Regulations, Chapter vi. section 6. The law carefully guards against any interference with the rights of conscience by expressly providing that no child shall be compelled to read any religious book or to join in any exercise of devotion to which his or her parents or guardians shall object. But by this restriction, the law assumes that which has been considered by many as above civil authority to enact—which has been enjoined by Divine authority—the provision for Religious Exercises and Instruction in the Schools. The Government does not assume the function of religious instructor; it confine

itself to the more appropriate sphere of securing the facilities of religious instruction by those whose proper office it is to provide for and communicate it. The extent and manner in which this shall be introduced and maintained in each School is left with the Trustees of each School—the chosen guardians of the Christian educational interests of the youth in each School Section. If Trustees employ a drunken, a profane, and an immoral Teacher, they act as anti-Christian enemies, rather than as Christian guardians of the youth of a Christian Country; and if the atmosphere of Christianity does not prevade the School, on the Trustees must chiefly rest the responsibility. On the fidelity with which this trust is fulfilled by Trustees, are suspended, to a great extent, the destinies of Upper Canada.

In reply a Letter on the same subject from the Reverend S. B. Ardagh Rector of Barrie, the Chief Superintendent replied as follows:—

The case which you mention is the only one of the kind which has yet come to my knowledge, under the operations of the present School Act, (of 1846.)

According to the [above Sixth] Section of the "Forms and Regulations on the Constitution and Government of Schools in respect to Religious Instruction,"—(a Section of which I submitted to the Lord Bishop of Toronto, before I adopted it, and which was approved by him,)—the subject of Religious Instruction is left as a matter of arrangement between the Trustees and Teacher.

I cannot, of course, decide in a way that will controvene that Section; but, in the next edition of the Forms and Regulations, I will provide that the wishes of Parents shall be consulted in reference to the Religious Instruction of their Children in the unexceptional way which you desire.

I have never known before of any Trustees stepping in between Parents and their Children and the Teacher on this subject.

An official copy of the Book of Forms and Regulations is sent to you herewith.

CHAPTER XXI.

EDUCATION OF THE INDIANS IN UPPER CANADA.

I have already given an account, in previous Volumes of this Documentary History, of what has been done for the education of the Indians of Upper Canada.*

In order to keep up the educational and historical sequence of this subject, I insert the following papers. The first is a reply which the Chief Superintendent made to a request that public aid should be given for the support of a Teacher of the destitute Indian children at the Sault Sainte Marie on the Canadian side. Doctor Ryerson's reply to the Reverend John B. Proulse, Roman Catholic Missionary was as follows:

When in conversation with yourself the other day on the subject of aid for an Indian School at Sault Ste. Marie, as also in my conversation on the same subject with the late lamented Bishop Power, I was under the impression that the School was kept amongst the destitute white inhabitants, (the paper which Bishop Power put in my hands stated: "Roman Catholic inhabitants"), and, under that impression, I hoped I might be serviceable in procuring some aid for the support of the Teacher. But, perceiving from your Note, that the School in question is for the Indian Children, I regret that it is out of my power to procure any aid for its support.

The question of affording aid to Schools kept among the Indians was submitted to the Governor General-in-Council about two years ago, on a complaint from certain inhabitants of the Newcastle District, that aid was given from the Common School Fund in support of a School kept among a Tribe of Indians in that District; and the Government decided that, as the Indians were not tax-payers, and, as there is an Indian Department for the management of all Indian affairs, and certain funds were at the control of that Department for the benefit of the

* See Chapter XXVII of the Fifth Volume of this Documentary History.

Indians, no part of the Common School Fund should be applied in support of Schools of any description among the Indians.*

Under these circumstances, I regret that I am precluded from aiding in the benevolent object you have in view.

II. Laying the Foundation Stone of the Indian Industrial School at Alnwick, 1848.

On the 10th of June last, the foundation-stone of the Industrial School-house at Alderville, (Indian Village, Alnwick,) was laid under the Superintendence of Captain T. G. Anderson, Superintendent of Indian Affairs, by John Simpson, proxy for the Reverend John Sunday, and George Potash, Chiefs of Rice Lake, Mud Lake, and Scugog Indians. There were a large number of persons present. The utmost enthusiasm prevailed among the Indians assembled on the occasion. When the notice was given that the Ceremony was ready to commence, seven splendid flags were unfurled, and, with drum and fife, the procession proceeded to the spot selected for the Building. After seeing the Corner-Stone lowered into its bed, three cheers were given collectively and a great number individually.

After the ceremony of laying the Corner-stone was completed, the procession re-formed, and, headed by the band playing the National Anthem, proceeded to dine to-gether in an adjoining field.

After dinner, excellent and appropriate Addresses were delivered by George Potash and John Simpson, Chiefs, and by Captain Anderson, the Superintendent of Indian Affairs. He said :

My Brothers,—I am truly glad to meet you at all times, but particularly so at present, because we are now assembled upon the most important occasion that ever dawned on the Chippewa Tribes of North America, Tribes whose origin is equally unknown to the antiquarian and historian. All that is accurately known of your fathers is, that Europeans, on discovering this Continent, very many years ago, found it thickly peopled by Tribes of Red Men, living in dense forests, without the most distant knowledge of who created them, or even an idea that there were any other living creatures on the Globe but themselves, and the animals which ranged the wood, and served them for food. In this state the "White Skins," or "Pale Faces" found them upwards of three hundred years ago, and immediately proposed to make them acquainted with the Great Creator of all things, –(the White Man's God,) and to bring them into a state of civilization. But their impatience of restraint, their love of the chase, and of War, failed to render the first impressions permanent, and, in consequence, their posterity, until very lately, were in a degraded state of heathenism.

But the White Man's axe has now robbed the game of its hiding places, and his numbers have rapidly multiplied, while the Red Tribes have followed each other in rapid succession to the grave ; and the once dark forest, with its multitude of inhabitants, has fallen before the axe of the Pale Faces until only here and there is found a solitary Indian Camp, the remains of the once mighty Lords of the Continent, reduced by heathenism to the lowest state of degradation into which human beings can be plunged.

My Brothers,—It is now twenty years since White Christians began to labour amongst you, in the hope of saving here and hereafter this remnant of the once mighty Tribe of the aborigines. In this attempt they have been opposed, step by step, by the Evil Spirit, who, by his wicked Agents, has made every effort to choke, or pull up, the seeds of Christianity, which have been sown in your hearts, happily without serious effect, as the proceedings this day bear witness. You and a few other Tribes have been made what you now are by pious and worthy men, who have given up many of the comforts of the world to instruct you. They see the necessity of turning your attention seriously to Agriculture, and to the education of your children. This, your Great Mother the Queen, and every other good Christian will be glad to hear of, while it will be a source of lasting happiness and comfort to you, and all connected with you.

My Brothers,—I have told you that we have met to-day under most happy and gratifying circumstances, to perform a ceremony which it has never before fallen to the lot of man to witness, the laying of the first stone of an Industrial School of "hard materials" by Indians, for the manual instruction and improvement of their children. Yes, my Brothers, and I thank God that I have been permitted to witness it. This will be the first Brick Building that ever has been erected by the Chippewa Indians of Canada. The object for which it is intended, and the means by which it is built, are not less strange and worthy of the highest admiration. Truly, my Brethren, who would have believed, four years ago, that Chief John Sunday, and his people of Alderville, with Chief George Potash, and his people of Rice, Mud, and Scugog Lakes, would have combined to build an Industrial School House for the training of their children in the

* The particulars of this Case are given on pages 296-299 of the Sixth Volume of this History.

industrial habits of civilized life, and that with their own money ! But here it is, and, in three months, I hope it will be fit for occupation, although it cannot be quite completed yet, for the want of funds.

Brothers,—I regret exceedingly that your worthy Minister and Principal of your School, the Reverend William Case, is not here to take part in this pleasing task. But, although absent, on other duties, we know that he is with us in spirit.

Brothers,—I wish you to give a name to this building."

On this John Sunday (by proxy) replied,—" We will call it Alderville,* ' Sha-wain-nen-de-win,' " Industrial School.

Captain Anderson, the esteemed Superintendent, then addressed the Indians in their own language. After several other addresses had been delivered, the meeting closed,—all being pleased with what they had that day accomplished.

Too much praise cannot be given to the Reverend William Case and Captain Anderson, for their exertions in getting this great and good work carried out. It is earnestly hoped that the Indians concerned will make such good use of the Industrial School as will prove their appreciation of the benefits which it is calculated to confer. Already many young Indians of both sexes of the Indians of Alnwick have received a fairly good education. Through the Industrial School they will obtain that additional practical knowledge which will make them valuable members of society and of their Tribe.

III. The Mount Elgin Indian Industrial Institution at Muncey.†

The following account of the Mount Elgin Indian Institution at Muncey, in the County of Middlesex, was written at my request, by the late Reverend Doctor Edward Barrass. In preparing it. Doctor Barrass informed me that he had the consulted files of the Wesleyan Magazines and of the "Missionary Notices", in which Letters on the subject of the Indian Mission Schools were inserted by the late Reverend Doctor Joseph Stinson, Superintendent of Wesleyan Mission in Canada.

A number of Indians were settled at Muncey, and lived in all the wickedness of paganism. A young man who was a Teacher at Westminster became interested in the poor Red-men, and repeatedly visited their camp. At his fourth visit he offered to teach their children to read and write like the White man. To this they objected, for White men used these arts to deceive and cheat the Indians. After much persuasion, two families consented and sent their few children to his School, and he persevered until he had eight Indian children in his School. The Teacher, Mr, Carey,—lived for five months on hoe-cake and boiled corn at his own expense. This was the beginning of Mount Elgin Institution, where at the time of Elder Case's Jubilee in 1854 two different languages were taught—English and Indian.

The Reverend Thomas Hurlburt, who was a great friend of the Indians, and endured much self-sacrifice on their behalf, was appointed to Muncey in 1828. He says, April 29th, of that year : " I took charge of the Mission,—both the School and the pastoral charge. I lived during the first year in a bark shanty, the next in an Indian house, and the next I built the first Mission House at Muncey with my own hands," between times, and at night."

On July 17th, 1849, the Corner-Stone of the new Industrial School was laid at Muncey by Reverend Doctor Mathew Richey, President of Conference. The Reverend Samuel D. Rice was Principal of the Institution at the time of the corner-stone ceremonies. Some years afterwards, when the Reverend Thomas Cosford was in charge of the Institution, (from 1875 to 1880), he wrote the following account. He says,—

" The object of this Institution is to christianize and elevate the Indian youth of our Country,—to teach the boys such useful trades as shoe-making, carpentering and cabinet making, as well as the correct principles of farming : and the girls, sewing, knitting, spinning, and general house work. In these pursuits many of the boys and girls make very creditable proficiency, and become good workers, while a goodly number are now employed teaching school, others are assistant Missionaries, Local Preachers, Class Leaders, Exhorters, Trustee-stewards, while many have obtained greatly improved ideas and skill, as well as industry in farming ; and the girls are also equally benefitted, being greatly improved in their modes and efficiency of housekeeping, as well as in their general intelligence, taste and acquirements."

* The name Alderville was one given to the Establishment some years since in honour of its founder, the Reverend Doctor Robert Alder,—and the Indian word signifies Charity. The name, in fact, was intended to signify " The Benevolent Institution at Alderville."

† The Mount Elgin Indian Institution was so named in honour of the late Earl of Elgin who was Governor General of Canada from 1847 to 1854.

Not less than six hundred and fifty Indian youth have been educated at this Institution, and many of them have been enjoying these advantages during a period of two, three, four and some for five years. They are taken into the Institution, boarded, clothed and educated, under the most judicious and watchful care to promote their happiness, physical health, social habits, and general deportment, while the most untiring efforts are made to promote their moral and Religious interests : and further the greatest care is taken to inculcate habits of industry and frugality, which are essential to the future prosperity and happiness of our Indians. With these they will become well to do, without them, they must remain poor

The Farm is in a good state of productiveness; it contains about Two Hundred and Twenty-six acres of rich land. All the departments of the Institution are in a state of creditable prosperity. We now supply the Institution with all the farm products required, and have from Six hundred to Eight Hundred dollars' worth to sell. * * * *

It is but proper to observe that in 1845 the late Reverend Peter Jones collected money in England and Scotland for the laudable purpose of educating the Indians. He raised in all about Seven Thousand, Five Hundred dollars, ($7,500).

From one of the latest published Reports we find that the cost of labour, salaries, farm implements, blacksmithing, clothing, shoemakers, and wages amount with the value of stock, etcetera, to Twenty Seven Thousand, Two Hundred and Fifty-six dollars and eighty cents, ($27,256.80). towards which there was realized from sales of various kinds of work and the present value of stock, etcetera, Twenty One Thousand, Eight Hundred and Eighty-seven dollars and forty nine cents, ($21.887.49,) making the net expenditure Five Thousand, Three Hundred and Sixty-nine dollars and forty nine cents, ($5,369.49) The Government makes a grant of Five Thousand and Thirty-five dollars, ($5,035.) toward the expenditure.

Muncey, or Mount Elgin Industrial Institution, like similar Institutions, is conducted in such a manner as harmonized with the views of the late Reverend Peter Jones. We take a few extracts from the Report of the Commissioners who were appointed to collect information relative to Indian affairs. In it, they say,—

The Credit Indians live in a village, and some of them have to go a mile, or two, to their farms. . . . Before their conversion, very few of them raised even Indian corn, but now, many of them grow wheat, oats, peas, Indian corn, potatoes and other vegetables ; several cut hay and have small orchards.

The best mode of promoting Religious improvement they add is :

"To combine Manual Labour with Religious Instruction ; to educate some of the Indian youths with a view to their becoming Missionaries and School Teachers, as it is a well known fact that the good already effected has been principally through the labour of native Missionaries."

"Considering that they are taught in a strange language, Indian children show as much aptitude as White children."

"The best mode of promoting the moral, intellectual and social improvement of the Indians, is the establishment of well regulated Schools of Industry, and the congregating of the several scattered Tribes into three, or four, Settlements, which would be a great saving to the Government and to Missionary societies, at the same time, it would afford greater facilities for their instruction in everything calculated to advance their general improvement."

I know several Indians who have become pretty good Mechanics, with little,or no,instruction. At the Credit Mission, there are two or three Carpenters and a Shoemaker. At Muncey, we have one Blacksmith and some Carpenters and Tailors.

The condition of the Indian would soon improve if Schools of Industry were established among them. Agricultural societies should be formed in each Settlement, and rewards offered to such as might excel in any branch of farming.

The history of the Ojebway Indians, by the Reverend Peter Jones, contains much valuable information which I have not seen elsewhere.

Industrial Institutions are in course of erection—two, I think—in the North-west, under the care of the Methodist Church.

Toronto, 1896. Edward Barrass.

CHAPTER XXII.

REMINISCENCES OF SUPERANNUATED SCHOOL TEACHERS, 1848-1851.

1848:— I commenced school teaching in this Country in the fall of 1848, in School Section Number four of the Township of Nepean. The School House, in which I taught was about 18x18 feet, cottage roofed, with no desks for the pupils. The seats were made of planks, propped up on blocks, or stones. The School Books were of so many different kinds that I can scarcely give a description of them, and, as a result, the pupils had to be taught separately instead of in classes. I taught this School for One Hundred and Fifty dollars per annum, and boarded for a week at a time with the different families of the neighbourhood.

After three years in this Section, Sections Numbers four and six were united, and I was engaged to teach in this United Section at a salary of One Hundred and Ninety-two dollars per year. The School House in Number Six, to which the School was transferred, was much better than the one in Number four, in which I had taught, being in size about 30x24 feet, and was fitted up with solid, though rough desks and benches. The Irish National School Books were then used, and I was able to classify the children in the School, which I had hitherto not been able to do. Walkingame's and the Irish National Arithmetics were used, and the English Grammars were Murray's and Lennie's. We had no Maps nor Blackboards, nor any other apparatus in this School.

After a year here, I was engaged by School Section Number Eight at a salary of Two hundred dollars per annum, and I was thus able to pay sixty dollars a year for my board to a farmer with whom I lived. The School House in this Section was a new log building 24x34 feet, very well fitted up inside with desks and benches. The books used were the same as in Section 6, and the average attendance of pupils was about forty-five.

FALLOW FIELD, April, 1896. PATRICK O'MEARA.

1848 :—The first Meeting of the Common School Trustees was held in the then Town of Bytown on the 20th of November, 1848. . . . Mr. John Atkins was appointed Superintendent. . . . The staff contained excellent teachers, but their services were not highly paid for. Teachers employed were Messieurs. Hagan, Maloney, O'Leary, Robinson, Mignault, Mrs. Sproule, Sisters Hagan, Conlin, Rivas. Misses Fraser, Burwash and Simpson. The School tax for that year amounted to £64 3s. 1d. ; Government grant £68 6s. 8d. ; total £132 9s. 9d. The Superintendent's salary was £15.

OTTAWA, January, 1889. W. REA.

1848 :—I commenced teaching in Ontario in the winter of 1848-9. The first School Section in which I was engaged was situated along the Plains Road, East Flamboro', and extended from the Bridge at Burlington Heights to the Township of Nelson. The School House stood on a fifth, or a quarter of acre plot, the ground was well fenced, the School itself was built of Logs, weather boarded, and on a stone foundation. Within, were a large box stove, Teacher's desk and seat ; a long desk with benches on each side of the room, with a space between for the classes, and a short desk facing the Teacher's on each side of the door. . . . The School House was supposed to be sufficiently large to contain all the pupils who attended, which was never more than twenty-five at any one time.

The Trustees ascertained the number of children who would be sent to School, and the probable amount of fees which would be received, and this, with the expectation of a Legislative and County Council grant, enabled them to give the Teacher some idea of what his salary would be. . . . Teachers were required to make up for any time they might be absent from duty, on account of sickness, or any other cause.

Each pupil was supposed to contribute a certain proportion of firewood, and to take his turn in sweeping out the School Room and bringing in water. I found it necessary, in some cases, to take straw hats, stockings, mits, rails, or anything at all, of which I could make a disposal, in order to get my fees in that shape.

At that time the Teacher's choice was not confined to any particular set of School Books, provided none of them contained sentiments of disloyalty toward Great Britain. The Education Department, however, authorized certain Text-Books which were generally adopted. Amongst these were Kirkham's Grammar, Lennie's Grammar, Morse's Geography, the Irish National Series of Readers, Walkingame's Arithmetic, and Mavor's Spelling Book. The School was opened and closed with prayer, found in Mavor's Spelling Book, and the Testament was read.

Blackboards were not much used in the Common Schools of that time, nor was Drawing a part of the programme of Studies. My use of one and introduction of the other, as part of the weekly routine, were looked upon by many as novelties, for which I received the approbation of most families.

Every other Saturday, a week at Christmas, a few days at Easter, and a fortnight about harvest time, were allowed for Holidays. The Teacher generally took his Holidays, when it suited the farmers of the School Section. . . . Many of the Schools throughout the Province, at that time, were closed during the Summer months, and, when my engagement expired, the School was closed. I think I received Ninety-six dollars for my six months' salary, out of which I had to pay Two dollars a week for my board.

At the close of 1849, a School Trustee, living on the Lake Shore, Nelson, paid me a visit, and asked me to take the School in his Section. At that time, I had merely a Certificate from the Local Superintendent (Mr. P. Thornton,) of East Flamboro', for the Plains School Section, but, on the ground that I had done well in that position, I was called upon to accept the Port Nelson School Section. The Reverend Thomas Greene, D.D., Rector of Wellington Square was, at that time, the Local Superintendent of the Township of Nelson, and he offered to allow me to teach the Port Nelson School until the first meeting of the Board of Examiners for the County of Halton, which was to take place at Palermo during the following Winter.

The School House in this Section was a frame building, weather boarded on the outside, and within the walls and ceiling were lathed and plastered. There was a blackboard in the School Room, but I have no recollection of any Maps being there, and the furniture was of the most primitive description.

The School population of the Section was quite large, but the attendance was very irregular, especially in Summer. The children of several Roman Catholics attended regularly, and were very well behaved; and I can honestly say that there was never any trouble between them and the children of their Protestant neighbours, who were of several denominations. . . .

I think it was at a much later period than that of which I now write that the School Daily Registers and other School Forms were regularly issued by the Department of Education for distribution among the Teachers. Previous to this, all the information required by the Local Superintendents was supplied by the Teachers from forms of their own contrivance.

Bills for the amount of fees, in which also was stated the number of days each child had attended school were sent out with the children at fixed periods, and they usually brought back the money required.

Teachers not only made out their own Time Tables without reference to any particular standard or programme, but frequently insisted upon their pupils being supplied with a particular set of Books, regardless of whether or not those already furnished the pupils by their parents were suitable for school purposes.

FERGUS, April, 1896. RICHARD UNSWORTH.

1849. I taught school in Ireland; was trained in Dublin. After arriving in Canada, I taught School in Section number five of Pickering, near the Lake shore in a Log Building, without maps, or other fittings. I taught too in Section number nine of Pickering. It was also in a Log Building, without maps, or other fittings. I then came to the Township of Arthur, and have taught School for some time there, and, subsequently, in the Townships of Proton and Normanby.

RIVERSTON, May, 1896. J. D. O'SULLIVAN.

1848:—In 1848 and 1849 I was employed by the Bradford School Trustees for Fifty pounds a year, Halifax Currency; but fault was found by the people with the arrangement: and I only received, instead of that salary, One shilling and Three pence per Month for each pupil. Then I got a School two concessions north of Bradford where I remained until 1852, at a salary of Forty Five pounds a year. The Irish National School Books, and some maps were introduced into the School. The Reverend William Fraser of Bondhead was appointed local School Superintendent in 1845, and then Mr. Herbert Mortimer was appointed,—the latter of whom told me, on examining my School that it was the most proficient one in the Township. In 1848, or 1849, Mr. Henry A. Clifford was made County Superintendent, and, on examining the Bradford School, he said that I had the best scholars in the County.

PAINSWICK, April, 1896. JAMES MURRAY.

1848. The first School in which I taught was a comfortable Log House. I received a First Class Certificate from the County School Inspector. My wages were Ten dollars per month, and I boarded at the Houses of the parents of the scholars, remaining a week in each House, per scholar, until I went through the whole Section, and commencing again where I left off. I remained about two years in that section. I attended the Normal School in Toronto under

Messieurs Robertson and Hind, receiving a First Class Certificate, Second grade. Maps and a Black-Board were the principal Apparatus of the School.

April, 1896. ROBERT DICKSON.

1848 :—I taught in School Section Number Eighteen Wilmot, for three years commencing in 1848. There were no Tables, Chairs or Maps. The term was six months long, and the salary was fifteen dollars a month. I printed an alphabet myself, and got a blackboard. It was a German School with Text Books from the United States.

NEW GERMANY, June, 1896. MATHEW WELPEISER.

1848 :—I commenced my career of wielding the rod, and teaching the young idea how to shoot in the Scotch Block, in the Township of Esquesing, in the County of Halton in the year 1848. Our School House was a Frame Building, not bad for a "summer residence", but very uncomfortable in winter. My next location was at what was called Gordon's School House, about a mile from Acton. My salary was more and the comfort less. The following statement will give you a good idea of our School House : I numbered my pupils on their assembling in the forenoon ; but during the teaching hours I missed two little fellows. I wondered at this, as the door had not been opened, and immediately made enquiry for the missing ones. Finally, a little girl held up her hand and said, "Master, please, Henry went out through the logs and pulled James by the legs, and took him away while you were hearing the Third Book." We had no Examination Papers, for Teachers, as our examinations were conducted orally. Due notice was given the Teachers of the County that the annual examination of Teachers was to be held in Palermo on a certain day, to which place we trudged in the early morning hours.

MARKSVILLE, St. Joseph's Island, 1896. ALEXANDER MCPHEE.

1837-1851 As I had not been teaching for many years, and, as I had not a copy of my Certificates, instead of answering your reasonable request, in 1896, I laid away your Circular, knowing that you would receive more interesting answers from older and abler hands in the profession. About the seventh of October, 1837, I went to the tenth Concession of the Township of Markham. A commodious new frame vacant School-House, stood on Mr. Ira White's Ground, very near the Side Road, on the Tenth and Eleventh Concessions. He and a Mr. Dodd,—Trustees, called a School Meeting at once and engaged me to teach a term of six months. I opened the School on the ninth day of October, 1837. The School was well attended by the neighbour's children. All the Parents used me in the kindest manner, and all the children, attending were attentive. This, my first teaching, was by authority from Archdeacon Strachan and his clerk, Mr. George Walton. The Books used, were the Bible, Mavor's Spelling Book, Daboll's Arithmetic, Natural History and others. In Spring of 1838, I opened a School in a Log House near the Beach of Lake Ontario, and the mouths of the Highland Creek and River Rouge. I think I was there only three months. The most of the neighbours are all long since dead. The scholars were big and little and all thirsted for knowledge, were kind with each other and so with me. From there, I moved up to a Frame House, close to the Kingston Road, one third of a mile east of the Highland Creek, near Messieurs Post and Knowles. These and others sent pupils. When I left, I moved to a Log School House, near where the Grand Trunk crosses the Kingston Road in Scarboro', about eleven miles East from Toronto. I went from this School, sometime in 1839, and taught in a Log School House near where the old Danforth Road crossed the Kennedy Scarboro Road, within one and one half mile of the Painted Post, and six miles from Toronto. The Books used were the same as in all the preceding Schools ; and the fee Two dollars per scholar, payable quarterly, with a Government Grant in proportion to the attendance of pupils. I left here and went to Toronto, and there taught a Private School in Caroline Street. Books used were as before, with Practical Geometry. When in Toronto, the Trustees of Danforth Road School invited me back to teach their School. I went, I think, in 1843, and taught in the same Log School House to the middle of August 1845. About this time, the Townships were divided into regular School Sections and duly numbered from one up. Superintendents of Townships were appointed. I received a Certificate from the Reverend James George, Presbyterian Minister of Scarboro'. I received the Government Grant from Mr Billings, in the Court House, Toronto, when I and other Teachers received a present each of an English Reader. The next School, I taught, was in a New Frame, near where the Markham Road leaves the Kingston Road, near Mr. J. Gates' Inn, a little over ten miles East from Toronto, in Scarboro'. The Books allowed by the Reverend Doctor Ryerson were Lennie's Grammar, the National Readers, Maps and the History of Canada. I left number seven Scarboro', and taught in a Baptist Frame Church, in the Miller Settlement, on the Ninth Concession of the Township of Markham, I received a Certificate from the Reverend Ludwick Kribbs. All attending had been taught to sing beautifully, by the previous teacher, Mr. Taylor. Left here and taught in a Log School House at the Town Line, and between Pickering and Uxbridge, near Mr. Joseph Galloway's Inn, near the Brock Road and the Fourth Concession of Uxbridge. All

concerned were very kind and liberal. I left this in 1849 and went to the Frame School House, near the tenth Concession of Markham, where I first taught in 1837 and remained in this School for some time.

WILLIAM SKELTON.

COLLINGWOOD, 19 July, 1899.

1848:—I arrived in Darlington the sixth of October, 1848, and, soon after, the Trustees of a School in the Ninth Concession of the Township engaged me to teach the remaining two months at Fourteen dollars a month. The School House was a comfortable, cottage-shaped Log Building, but without Tablets, Maps, or Apparatus of any kind. The School Books used were the National Series. The next School I taught was in the Eighth Concession of said Township, East, at a salary of Two Hundred dollars per annum, which was considered a good salary then, for a country place. The Building was Log, with desks all round, and was supplied with Maps, Tablets and Apparatus. Morse's Geography, and the National Series of School Books were in use. Leaving this School, I moved to another which was better fitted up, the construction being a frame cottage-shaped Building in the village of Hampton, and containing all the necessary Maps, Blackboards, and Object Lessons with School Books as in the other School.

SAMUEL MEGAW.

GODERICH, April, 1896.

1849:—I commenced teaching at Bell's Corners, Williamsburg in the year 1849. At that time salaries were not attractive,—for, from Fifteen to Twenty dollars a month, was considered good wages. There was great competition among Teachers, in order to get employment. Some Teachers were not up to the standard in intellectual qualifications, and they would accept a salary at a sacrifice, while other Teachers, possessed of higher intelligence, were always assured of employment.

It was customary for unmarried Teachers to "board round,"—and I must say, that I always enjoyed it, as it was an excellent way of becoming familiar with the different families, and to study the surroundings of the children and their home influence.

The School Houses were built of Logs; and ventilation and hygiene were unknown elements. In the Villages, there were a few passably good School Houses; but, in the rural districts the old Log Houses served as anything but an attraction to the scholars of the Section. There is a marvellous development in the architectural surroundings of School Houses of the day. People are now imbued with a certain pride in having a fine School House. Doctor Ryerson planned the foundation; and his worthy successors have enlarged and adorned the superstructure which stands as a monument to his and their patriotism and ability. The "sods of the valley" cover the earthly remains of Doctor Ryerson, but his memory, his patriotism, his virtue and magnaminity, are enshrined in the hearts of a grateful people.

I must also state that we should not forget the energy and work of Nature's nobleman, Doctor Hodgins. Doctor Ryerson and Doctor Hodgins were both instruments in elevating the School System of the Province in its early development and improvement.

The salaries of Teachers were usually raised by subscription, and Rate-Bills, levied on parents to make up any deficiency. This mode was not at all satisfactory, and led to many vindictive discussions at the annual School meetings.

The old Grammar School of Iroquois was a great factor in the advancement of education in this County,* and it and the Morrisburg Collegiate Institute are an honour to the Province. Both have now an able and efficient staff of Teachers who are devoted to their profession.

Doctor Ryerson early advocated Free Schools; and I attended a Public Meeting called by him in the Iroquois Grammar School. He made a clear, logical and forcible speech, advocating his theory; but, notwithstanding, he was confronted by an indignant opposition by those who did not wish to be taxed for educational purposes.

The old School Boards of Examiners were a permanent institution at that time. We had first class Teachers as Members of the Board and examinations of Teachers were very strict and hard. For a long time, the Reverend Mr. Dick, Principal of the Iroquois Grammar School, was Chairman of the Board, and, after him was the Reverend Mr. Harris, a Church of England clergyman. Both gentlemen were University graduates. I am familiar with the system of National Education in Ireland, and I think the Canadian System is preferable. The pensioning of the old Teachers was commendable from every point of view.

P. JORDAN.

CONNAUGHT, May, 1896.

* Due credit is given to the Iroquois Grammar School for the good which it did in the olden time here spoken on. See page 137 of the Fourth Volume of this History.

1849 :—The first School in which I had the honour to teach was that of School Section Number Fourteen, Township of Nelson, in the County of Halton. My services commenced in January 1849, and ended December 1851. Previous to the former date I had little experience of the School System of Ontario, as I had emigrated from Ireland in the fall of 1848. The School Site was in a narrow valley between two hills, and consequently the Building was well protected from north and south winds. Had it not been so well sheltered, it would have been well-nigh impossible for the pupils and myself to have remained in it during the winter. The School House was erected of round Logs, and the openings between the Logs were filled with pieces of splitwood. In buildings of this kind, the chinks were usually filled in with mortar, but this Building was an exception to the rule, and as a result there was far too much ventilation. . . .

The Books used were the Bible and Testament, the Irish National Readers, Walkingame's Arithmetic, Lennie's English Grammar, Morse's Geography, Mavor's Spelling Book. There was an old dilapidated Map of the World, and a very indifferent one of Ontario.

JOHN MCCLINTON.

WESTFIELD, April, 1896.

1849 :—I began teaching in the Township of London, County of Middlesex on or about the first day of August, 1849. I was to have Twelve dollars a month, and "board round." . . . I also taught in this School for the first six months of the following year, after which it was closed for the balance of the year. The School House was of Logs,—18 x 18 feet, with one small window in each wall, and desks half-way round attached to the walls. . . . The remainder of that year I taught on the Fourteenth Concession of London, near the boundary of Nissouri Township. The School House was a very poor structure indeed, but the next year they built what was then considered a good School House in that Section. During that year the Council of Public Instruction came into existence, the School Act was amended and improved and came into operation in the following year. As for the Text-Books, one of our great troubles up to 1847 was the variety of School Books in almost every Section. The first settlers brought Books from "home," which had been used by them, and their fathers before them. Among the Arithmetics we had Gough's, Voster's, Hutton's, Walkingame's and so forth. And each one thought his particular Book to be the best. Mavor's Spelling Book was very common, but we had also Webster's, Carpenter's, and many others. However, Walkingame's Arithmetic, Lennie's Grammar, Mavor's Spelling Book and the English Reader were to be had at the Book Stores, and were consequently the most universally used. It was a great relief when the Irish National School Books were introduced, and the use of others forbidden. . . .

JOHN PHILLIPS.

TORONTO, April, 1896.

1849 :—My teaching experience dates back as far as 1849, when I acted as deputy for my Father, who taught school in Renfrew County for a number of years. The School House was a very substantial Log building, not very large, but capable of accommodating forty or fifty pupils, varying in age from five to twenty. Long benches were used as seats, with the girls sitting on one side of the room and the boys on the other. There were five different grades in the school. The English Reader, Gray's Arithmetic, Lennie's Grammar, Morse's Geography were used. No Blackboard was used, and there were no regular classes in Arithmetic. Each scholar constituted a class, and the teacher attended to each, as difficulties arose. In all the common studies such as Reading, Writing, Arithmetic, Geography and Grammar the children would compare favourably with those of the present day. . . . Discipline was very well attended to, and very litte castigation was necessary. As the labour of the older children was required during summer, winter was the time when the schools were fullest.

JAMES FORREST.

GUELPH, April, 1896.

1849 :—I commenced teaching in 1849 in the County of Russell. The School House was a small Log building, with a long double desk (that is, one having a sloping board on each side) reaching almost across the room, with a long seat on either side ; several movable seats and a stove. None of the seats had any support for the back, there were no Maps, Blackboard or any other Apparatus of any kind. There was not even a chair or desk for the teacher. They did not think that any of these things were necessary, or at least thought that I could get on very well without them. At first the reading book was the Bible, but after a time we had the Irish National Series, Morse's Geography, Lennie's Grammar, and an Arithmetic and Spelling book, whose names I have forgotten. The average attendance was about twenty. No Certificate of Qualification was required from the Teachers.

MARGRET MCPHAIL.

TIVERTON, April, 1896.

1849:—I began to teach in 1849. The first two or three Schools in which I taught were Log structures, and containing only one double desk, with seats only for the other pupils. The Irish National Books and Morse's Geography were used, and there were no Maps of any description.

ARNPRIOR, April, 1896. EDWARD ROSE.

1849:—The first School in Durham was opened by John Moodie in 1849, —a Log shanty being used for the purpose, and taught by him until 1853 at a salary of Two Hundred dollars per annum. The population of the Village was about fifty persons, but the School was supported at that time by the adjacent portions of the Townships of Bentinck and Glenelg, and by a Rate-Bill levied on the supporters of the School.

DURHAM, May, 1894. JAMES GINN.

Mr. H. C. Cooke has kindly sent me the following brief history of the Elora High School, as follows:—

On March 31st, 1840, application was made to start a Grammar School in Elora. Permission was granted by the Governor General-in-Council subject to the requirements of the Act being complied with.

In December, 1849, Mr. John McLean Bell, B.A., of Glasgow University, was appointed Headmaster of the united Common and Grammar School. In January, 1853, the Reverend J. G. McGregor was appointed, and held the position about twenty years.

ELORA, 1894. H. C. COOKE.

The following interesting Letter from Mr. John Haldane to Mr. Strang of Goderich recounts the History and vicissitudes of the Goderich High School.—afterwards the Goderich Collegiate Institute.

Your Letter recalls much,—many, reminiscences, grave and pleasant: grave, because my charge in Goderich, with its responsibilities, I have ever regarded as the business of my life; pleasant because of the many pleasing associations connected with it.

I regard with much interest those pupils with whom I had so much to do; and I feel a personal gratification when I hear of their welfare. Some have distinguished themselves: three became County Court Judges, one a Suprome Court Judge, one a Member of the Cabinet, several Members of the Legislature, one a Congressman and Senator, and some are Authors. I have a pride as well as a pleasure in meeting any of them.

You ask for statistics of the School.—It has a history.

First Masters.—The first Master of the Grammar School, Goderich, was the Reverend R. F. Campbell, Rector, and my Father-in-law. He kept the School in a House belonging to himself, known there as "Skeleton Hall." He resigned in six months, because the Church Authorities ruled that no Clergyman, remunerated by the Church Society of the Diocese, should engage in any employment outside of his proper duties. My Brother in-law, the Reverend Alexander McKenzie, Presbyterian Clergyman, succeeded him, and continued in charge till the death of his wife in 1844. I then assumed the position, which I held till July, 1868, when I resigned because of ill health.

As a County Grammar School.—It was called the County Grammar School to warrant the Public grant; but it was, at first practically, a local School, —the pioneer farmers of the new Townships requiring not only all their available resources, but the labour of their children, to obtain a foothold and establish homes in the Country. The income of the School was only $400, Grant and $200 Fees.

I was young, and I was determined, if possible, to raise my charge to its proper position; and I had the kindly sympathy of the Trustees, some of whom were relations and some personal friends. I enclose a list. One only survivor now is the Reverend Doctor Ure.

My ideal standard was the High School of Edinburgh, with which I had been connected. I had no assistance, and I adopted a system of monitorship, securing thereby the confidence and co operation of the more intelligent of the scholars, with the satisfactory result of a voluntary discipline.

I devised a scheme for bringing the School more in touch with the outlying Townships. I suggested that every Common School should have the privilege of sending, say, those of its best Scholars yearly to the Goderich High School, and that, out of these, ten should, by examination, be selected for entrance as County Scholars, whose education and board should be provided for by the County Council. I opened my House as a Boarding House on very moderate terms.

This I felt would be a means of stimulating education generally and bringing to the front the otherwise dormant talent throughout the County, and the School would thus become available for its legitimate purpose.

But my difficulties were insuperable, and here I may say: "*Jubes renovare dolorem.*"

I regarded the County Council as our natural and legal guardian and provider. I got no response, however, from them as a Body. I had some personal friends among them, who were well disposed; but two, or three, influential Members, through municipal jealousy, urged that the School was practically a local one,—that Goderich should provide for it; that, situated on the confines of the County, it was altogether inavailable to others outside of the Town; that if it were removed to a more central point they might regard it with more favour. One, a personal friend, privately informed me that he considered "Goderich grasping," and he "would strenuously oppose any scheme proposed to benefit it." He was a Trinity College, Dublin, man, but,—"*De mortuis nil nisi bonum.*"

We were, therefore, thrown upon our own resources. Fortunately we possessed a local element of a comparatively high grade, which only required good nursing to enable us to form the nucleus of a respectable Grammar School. It so happened, that simultaneously at this time, a number of educated Gentlemen emigrated from the Old Country, and settled in Goderich. I enclose a list as far as my memory serves, from which you may judge. They have all since died, or left Goderich. I was socially intimate with all. The children of these people, with those of some very respectable and well-to-do Canadians, formed a good Grammar School.

I worked hard by correspondence with the Education Department, and otherwise, for the admission of young ladies. I succeeded in this; and I found them a most refining element of the Institution.

The School Building. My greatest difficulty was to find a habitation for the School. We had no permanent dwelling place, and were dependent on the capricious arrangements of landlords. I had, at first, to provide the accommodation and appointments of the School myself. My predecessors had got temporarily the use of the Common School,—then a small Frame Building on East Street. I had to vacate this soon after. We were thus a peregrinating establishment. During my incumbency we occupied at different times, three Rooms in my own dwelling; three Halls of closed hotels; five large Rooms, ending with the Temperance Hall on North Street, provided by the Board of Trustees. Thus, it taxed my best efforts, to secure not only proper, but respectable, accommodation.

But I had my hours of sunshine as well. Everything went on most serenely. No collision ever occurred during the whole of my incumbency with either the Board of Trustees, the parents or the public. My most appreciable compensation has been the kindly reciprocated feelings of my pupils.

One of them, Mr. William T. Hays who was our local Member, came up to me one day when I happened to be visiting the House of Assembly. He heartily congratulated me upon Departmental information sent to him by request, with a view to further legislation. He told me that the Goderich and Galt Schools preceded the list, in order of efficiency. This was, of course, to me very gratifying, chiefly from the kindly way in which I got it. After the lapse of so many years I thought my name had passed into oblivion, but I feel much flattered and gratified by the proposal to find a place for my likeness on the walls of your Assembly Hall. I regard this as the most generous recognition of all my labours. JOHN HALDANE.

TORONTO, 20th of August, 1894.

(NOTE. Among the Trustees and supporters of the Goderich School, Mr. Haldane mentions the names of Judges Acland, Cooper and Strachan, and Messieurs John Galt, Charles Widder, Daniel Lizars, Ross Robertson, Peter Adamson, William Kay, David H. Ritchie, James Wilson and Doctor Dunlop; also the Reverend Messieurs R. F. Campbell, Alexander McKenzie, C. Cooper, E. L. Edward, Alexander McKid and Doctor Ure.)

At my request, His Honour Judge McDonald of Brockville has sent me the following sketch relating to the Gananoque High School:—

I recollect the Gananoque Grammar School in 1849 when I became a scholar there. The Board of Trustees consisted of five, or six, men, five of whom were the Honorable John McDonald, (my Father), Mr. William S. Macdonald, the Reverend Henry Gordon, (Free Church Presbyterian), Messieurs Ephraim Webster, and Hugh B. Cane.

When I commenced my School days at the School in 1849, the Teacher was a Mr. George Andrews, I believe either an Oxford, or Cambridge, man. The Trustees sent him to Kingston to be examined as to his educational fitness, and the report must have been satisfactory, for he was engaged. . . . . He was succeeded by Mr. William Johnston, afterwards a Presbyterian Minister, and a Queen's College man. . . . . His successor was Mr. J. H.

McKerras—afterwards the Reverend J. H. McKerras,—and for some time a professor at Queen's College, Kingston. After him came a Mr. D. Ward, now, or lately, resident of Lanark, in the County of Lanark. We had a good many changes. I have pleasant recollections of a Mr. Ivan O'Beirne, of Peterboro, and he taught for about a year. . . . . In 1856, my Father sent me away from Gananoque to school, and I cannot say much of the Gananoque Grammar School after that. I know that Mr. William Bell, Mr. Joshua Fraser, Mr. James A. Summerville, and Mr. J. L. Bradbury were Masters after my time.

Brockville, March, 1896. Herbert S. McDonald.

Presentation to the Reverend Mr. Urquhart, Formerly Master of the Eastern District School of Cornwall, By His Pupils.

It had long been the desire of many of the Pupils of the Reverend Hugh Urquhart, while Master of the Eastern District School, to present him with some token of their united affection; and at a Meeting early in 1848, it was moved by Mr. Archibald John Macdonell (of Greenfield), seconded by Mr. Philip Matthew Van Koughnet and carried unanimously:

"That it is our duty to express, in some marked manner, the gratitude we fell towards the Reverend Hugh Urquhart for the affectionate solicitude with which he superintended our education, and the kindly feelings with which he has continued to regard us since removed from his control; as well as the high esteem and regard which we entertained for him in every respect."

The result was the presentation of a silver Tea Service and salver. The following words were engraved on each article:—

Presented to The Reverend Hugh Urquhart, A. M., formerly Master of The Eastern District School, By His Pupils As a mark of Their Respect and Esteem, 18th January, 1848.

In his reply to their presentation and an address Mr. Urquhart said:—

The office of the Teacher of youth has ever been regarded as useful and honourable, and has its rewards; it has also, as admitted on all hands, its toils, trials and heavy responsibilities: but, of all the rewards of his work, that alone which compensates a trust-worthy, and right minded Teacher for all his toils and trials is the reward which is to be found in the after well-being and well-doing of the Scholars, and in the gratitude that survives all the ties of their mutual relation. It is, therefore, no small part of the gratification I now experience that the token of your gratitude and regard comes to me a good many years after the mutual relations of Scholar and Teacher have ceased, and after your minds have been matured by the practical experience of the benefits you have received; and also, after I have had the unspeakable satisfaction of seeing not a few of you take places in your several professions and occupations which do you credit now, and give promise of still higher attainments, and all of you engaged in a career of present, or future, usefulness and honour.

The First Principal of the Woodstock Collegiate Institute.

Quite recently a memorial portrait of Mr. George Strauchon, painted by Mr. Foster of Toronto, was placed on the walls of the Woodstock Collegiate Institute, as the gift of former pupils, and as a token of gratitude to the memory of Mr. Strauchon, as the first Principal of the Collegiate Institute, and former Master of the Woodstock High School—the forerunner of the Institute. Mr. Hunter was his successor.

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